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by

PATRICK J. O'DONNELL, CLERK

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5	Bernice R. Labedz	Omaha	Public Relations/ Falstaff Brewing Corporation	Douglas*
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Dist.	Name	Address	Occupation	Counties
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20	Glenn A. Goodrich	Omaha	Electrical Contractor	Douglas*
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23	Loran Schmit	Bellwood	Farmer	Butler, Platte*, Saunders
24	Harold F. Sieck	Pleasant Dale	Farmer	Polk*, Seward, York
25	Jerome Warner	Waverly	Livestock/Farming	Lancaster*
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37	Martin F. Kahle	Kearney	Retired Farmer	Buffalo*, Franklin Kearney, Nuckolls, Webster
38	Tom Vickers	Farnam	Stockman	Frontier, Furnace, Gosper, Harlan, Lincoln*, Red Willow
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41	Donald L. Wagner	Ord	Farmer	Custer*, Garfield, Greeley, Hall*, Howard, Loup, Sherman, Valley, Wheeler
42	James E. Pappas	Hershey	Self-employed Businessman	Lincoln*
43	Howard Lamb	Anselmo	Rancher	Blaine, Brown, Cherry, Custer*, Hooker, Keya Paha, Logan, McPherson, Rock, Thomas
44	Rex Haberman	Imperial	Farm Manager	Arthur, Chase, Deuel, Dundy Grant, Hays, Hitchcock, Keith, Lincoln*, Perkins
45	George Fenger	Bellevue	Real Estate Investments	Sarpy*
46	David M. Landis	Lincoln	State Senator	Lancaster*
47	Robert L. Clark	Sidney	Merchant	Banner, Cheyenne, Garden, Kimball, Morrill, Scotts Bluff*
48	William E. Nichol	Scottsbluff	State Senator	Scotts Bluff*
49	Samuel K. Cullan	Hemingford	Farmer	Box Butte, Daws, Sheridan, Sioux

Clerk

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

RULES OF THE NEBRASKA UNICAMERAL

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RULE 1—OFFICERS AND EMPLOYEES

A. Election of Officers

Section 1. Officers To Be Elected. (a) 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.

(b) In the event a vacancy occurs on the Executive Board, the following shall apply:

(i) The Vice Chairperson shall serve as acting chairperson upon the resignation or death of the chairperson until the commencing of the next regular session of the Legislature, at which time the Legislature shall nominate from the Floor and elect by secret ballot a Chairperson of the Executive Board for the balance of the original term.

(ii) Upon the resignation or death of the Speaker, during the interim, said position shall remain vacant until the next regular session or special session the Legislature convenes, at which time a Speaker shall be nomianted from the Floor and elected by secret ballot for the balance of the original term.

Upon the resignation or death of the Speaker during the session, a Speaker shall immediately be nominated from the Floor and elected by secret ballot for the balance of the term.

(iii) In the event there is a vacancy of the Vice Chairperson of the Executive Board, said vacancy shall be filled pursuant to Rule 3, Section 7(c).

(iv) During session, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Legislature. The individual so selected shall serve for the balance of the original term.

During the interim, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Executive Board. The individual so selected shall serve for the balance of the original term.

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 Coordinator

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.

RULE 1

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.

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. 3g.
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 scheduled 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.

(c) The Speaker shall prepare a daily legislative agenda and shall make every effort possible to deliver the agenda to the members of the legislature not less than one day prior to the day for which the agenda was prepared.

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. 7d.
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.

On Registration of lobbyists. 49-1480 through 49-1492 R.R.S.

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 Coordinator. The Chaplain Coordinator shall work in conjunction with organized Nebraska groups of Clergy to arrange for prayer at the beginning of each day of the Legislative Session.

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 be adopted at the commencement of each regular session in odd-numbered years and, as amended from time to time, shall govern the Legislature for a period of two years. 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. 13.

(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 or organizations at his discretion. Those individuals and groups not introduced may be inserted in the Journal by request. No member shall use profane or abusive language when speaking to or about another member.

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

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

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

RULE 2

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. Committees in General. (a) Each committee of the Legislature is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Legislature, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, and to take such testimony, as it deems advisable. Each committee may make investigation into any matter within its jurisdiction, may report such hearings as may be had by it, and may present to the Legislature for its consideration any final reports and recommendations for action resulting from such investigations.

(b) A committee's subject-matter jurisdiction extends to all matters specified in the act creating the committee, or to all matters reasonably comprehended in the name of the committee. A committee's particular jurisdiction extends to any bill, resolution or other measure referred to it by the Legislature, until final report of the measure has been made by the committee to the Legislature.

(c) No committee may exercise any of the above mentioned powers in a manner contrary to the Rules of the Legislature or in a manner which exceeds the scope of the act defining the purpose of the committee.

(d) A committee may adopt the Model Committee Rules (Appendix A to Rule 3) as the rules to be used in governing the committee's activities.

Model Committee Rules-Appendix A on file in the Clerk's Office.

Sec. 2. Appointment of 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 chairperson, 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 Nos. 15 through 19, 21 through 24, 34, 35, and 40, and three from District No. 4 consisting of legislative districts Nos. 33, 36 through 39, 41 through 44, and 47 through 49.

(b) The Committee on Committees by a majority vote of all its members, shall recommend to the Legislature for its approval

appointments to the standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided for by rule or by statute.

(c) The membership of all standing and select committees shall be appointed at the beginning of each session beginning in odd-numbered years and shall continue until the regular session in the next subsequent odd-numbered year.

(d) During session, all vacancies on Standing or Select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Committee on Committees unless otherwise provided for by rule or statute. A vacancy within the Committee on Committees shall be filled by a meeting of the caucus established pursuant to Rule 3, Sec. 2.

During the interim, all vacancies on Standing or Select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Executive Board.

Sec. 3. Standing Committees. (a) The Standing Committees of the Legislature shall be as follows:

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

(b) The Speaker shall not be a regular member of a standing committee.

Sec. 4. Select Committees. (a) The Select Committees of the Legislature shall be as follows:

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

(b) Select Commttees shall be subject to the same procedural rules as standing committees insofar as they are applicable. In addition, the following provisions shall apply:

(c) Committee on Committees.

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

(d) Enrollment and Review.

(i) The Chairperson of Enrollment and Review shall report bills which have been engrossed for Final Reading and passage. In the absence of the chairperson, the vice chairperson of the Judiciary Committee shall assume the duties of the chairperson of the Enrollment and Review Committee.

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

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

(A) To correct the spelling of words, to correct erroneous division and hyphenation of words, to capitalize or decapitalize words, to convert masculine or feminine referents to neutral gender when appropriate, and to change numbers from words to figures or from figures to words, in new and independent acts, in the new matter of amendatory acts, in standing committee reports, and in General File, Select File, and specific amendments.

(B) To underscore or remove underscoring, as the case requires, in standing committee reports and in General File, Select File, and specific amendments.

(C) When an amendment to add the emergency clause, the severability clause, or provide an operative date is adopted on Select File which does not spell out the standard clause or

section and make the necessary change in the title, the chairperson of Enrollment and Review shall also have the authority to add to the engrossed bill the standard clause or section, assigning to it the appropriate section number, and make the necessary change in the title as a matter of course without including such action in his or her reports and recommendations to the Legislature or making any special record thereof.

(e) Reference Committee.

(i) The Executive Board shall constitute the Reference Committee. The Reference Committee shall review each bill and resolution and either refer the matter to the appropriate committee or to General File. The appropriate committee is that committee which has subject-matter jurisdiction over the issue or which has traditionally handled the issue.

(ii) 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.

(f) Rules Committee.

All proposed rules changes shall be set for public hearing within five legislative days after their referral to the committee. The hearing shall take place within fifteen legislative days after the referral, and the committee shall take final action on the proposal within ten legislative days after the hearing.

(g) 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. 5. Special Committees. (a) Special committees shall include all authorized committees other than standing and select committees. Unless otherwise specifically provided, special committees shall not have jurisdiction over legislative bills, but shall be subject to the same procedural rules as standing committees, insofar as they are applicable.

(b) The special committees authorized by statute as of January 1, 1980 are as follows:

Building and Maintenance. RRS 81-106.....4 members
Education Commission of the States.
RRS 79-2504.....4 members
Executive Board of the Legislative Council.
RRS 50-401.01.....9 members
Intergovernmental Cooperation. RRS 81-816.....5 members
Law Enforcement and Justice Advisory,
(Judiciary Committee). RRS 50-601.....8 members
Nebraska Retirement Systems. RRS 50-416.....5 members
Nebraska Transportation Advisory.
RRS 50-421.....5 members
Performance Review and Audit.
RRS 50-701.02.....6 members
Telecommunications. RRS 50-424.....8 members

(c) The following special provisions shall be in force with regard to the following special committees:

(i) Intergovernmental Cooperation Committee.

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

(ii) Nebraska Retirement Systems Committee.

The Nebraska Retirement Systems Committee (RRS 50-416) together with the chairperson of the Appropriations Committee shall have jurisdiction over all bills proposing new or amending existing retirement systems of the state and its political subdivisions.

Sec. 6. Meeting Times. (a) After consultation with the Speaker, the Committee on Committees shall publish a schedule of standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to committees. Standing committees shall meet at 2:00 p.m. on weekdays, unless otherwise approved by the Legislature.

(b) A standing committee deciding not to hold meetings on the appointed day must receive permission from the Reference Committee.

(c) Any legislative committee shall be subject to the call of its chairperson or to the call of a majority of its members, in accordance with the notice and procedural requirements set forth in its committee rules.

Sec. 7. Chairperson, Vice Chairperson. (a) The chairperson of each standing and select committee shall be selected by secret ballot on the floor of the Legislature.

(b) The chairperson of a special committee shall be selected in the manner provided by the act authorizing the committee, or if not specified, by the Executive Board.

(c) Each committee shall elect from its membership a vice chairperson to serve in the absence of the chairperson.

Sec. 8. Committee Quorum. A majority of the members of a committee shall constitute a quorum. A quorum must be present for the transaction of any committee business except a public hearing.

Sec. 9. Quorum at Committee Hearings. A quorum of committee members should be maintained throughout all committee hearings.

Sec. 10. Temporary Appointments. (a) When a member is unable to serve, the chairperson of the committee after a majority vote of the remaining members shall request that such vacancy be filled by the Committee on Committees. Such committee shall appoint either the Speaker, or a member from a standing committee having eight members to fill each vacancy.

(b) A temporary appointment may be made by the chairperson of the Committee on Committees for only one day when requested by a chairperson of a 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, such appointee shall cease to be a member of such committee upon the return of the incapacitated member for whom he or she was appointed.

Sec. 11. Consideration and Correlation of Bills and Resolutions. (a) Committees shall consider and report without unnecessary delay all bills and resolutions referred to them. Committees shall be authorized to combine and to correlate the provisions of different bills and resolutions referred to them and related to the same subject under the number of one of the correlated bills or resolutions, and when reported out under one bill or resolution number, the remaining bills or resolutions will be reported out as indefinitely postponed. Committees may before taking final action on any bill or resolution, adopt amendments thereto, for the consideration of the Legislature.

(b) The chairperson of each committee shall set for hearing all bills and resolutions referred to the committee.

Sec. 12. Public Hearing, Notice. Before taking final action on a bill or resolution, a committee shall hold a public hearing thereon and shall give at least seven calendar days' notice, after the bill shall have been printed, by publication in the Legislative Journal. No bill having been set for public hearing shall be withdrawn nor the hearing cancelled within seven calendar days of the date set for said public hearing, except for hearings set during the first 20 legislative days of each session, there shall be required only five calendar days' notice of said hearing or withdrawal of said bill.

Sec. 13. State Officials Appearing Before Committees. State officials and department heads or their designees and state employees are encouraged to appear before any legislative committee to comment upon bills having an impact on the operations of the administrative agency or department for which they work.

Sec. 14. Executive Sessions and Closed Meetings. (a) Executive Session shall mean any meeting or portion of a meeting which is closed to the general public, and the proceedings of which are not electronically recorded and transcripted, unless the committee so provides, but the records of which shall be available for public inspection. Executive sessions shall be open to members of the news media who may report on action taken and on all discussions in executive session.

(b) All other meetings of a committee shall be public unless the committee, by majority vote of all of its members, determines that a meeting should not be open to the public, including members of the news media, in a particular instance, due to rare and extraordinary

circumstances. The meeting shall be reconvened in open session before any formal action may be taken.

Sec. 15. Report of Bill to Legislature. (a) In reporting a bill to the Legislature, whether with or without amendments, a committee shall by vote of a majority of its members, recommend that the bill be placed on General File or that the bill be indefinitely postponed. Such action shall be taken at regularly scheduled meetings only.

(b) A report on a bill or resolution must be made to the Legislature within eight calendar days after the committee has taken final action upon the particular measure.

(c) No bill shall be reported by the committee to be placed on General File unless the amendments, if any, are approved as to form and draftsmanship by the bill drafter.

Sec. 16. Indefinitely Postponed Bills. If the committee report on a bill be to postpone indefinitely, the bill shall stand indefinitely postponed; except that such bill may be placed on General File or referred back to the 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. 17. Committee Statement. (a) The chairperson of each committee with the assistance of the legislative staff shall, when reporting a bill, submit with such bill a committee statement which shall contain, but need not be limited to, the following information:

(1) the one-line title and number of the bill;
(2) a roll call vote of final committee action taken on the bill;
(3) the date of the public hearing on the bill;
(4) a list of all individuals testifying for and against the bill and any organization they represent;
(5) a summary of the bill's purpose and a description of all major provisions for change in the bill as written and as amended by the committee;

(6) if committee amendments are to be introduced, a copy of the amendments and an explanation thereof.

(b) A copy of the proposed statement shall be distributed to each committee member within five days after final action on the bill has been taken by the committee. A minority or concurring statement bearing the signature or signatures of its proponents and setting forth objections to the bill, to proposed amendments, or to the majority statement may be filed by its author(s) with the Clerk of the Legislature at any time prior to the first hearing of the bill on General File.

(c) A copy of the committee statement and any minority statements submitted shall be distributed to each senator after filing with the Clerk of the Legislature. Copies of such statements shall be made available to the public.

Sec. 18. Request from Committee, Bills Held. (a) Except for the general appropriation bills necessary for the support of the state government for the biennium, the Legislature may, by vote of a majority of the elected members, request a status report from any committee at any time after said committee shall have been in possession of a bill or resolution for twenty legislative days.

(b) Any senator may move that a bill be placed on General File twenty calendar days or more after the committee hearing, if the committee has not taken final action on the bill, and by a vote of a majority of the elected members, said bill shall be placed on General File. If at the expiration of eight calendar days from the date final action was taken the chairperson has not reported the bill, any senator may file with the Speaker a motion that the chairperson be compelled to submit a report. After determining that final action on the bill has been taken at least eight calendar days prior to the date the motion was submitted, the Speaker shall accept the motion and compel the chairperson to file the committee's report on the matter.

(c) Any time any member attempts to take a bill from committee to be placed on General File, the bill shall stand indefinitely postponed and shall not be subject to reconsideration if the motion fails to receive a majority vote of the members elected to the Legislature. The introducer bill must concur with any motion offered under this rule.

RULE 3

Sec. 19. Subpoena Procedure. It is within the inherent power of any legislative committee to gather information pursuant to its regular functions, and to conduct investigations of matters within its subject-matter jurisdiction.

A committee's power of subpoena should not be exercised unless the committee has determined that no other method of securing the desired information would be successful or practicable, and that the matter is of primary importance to the welfare of the State of Nebraska.

A committee of the Legislature conducting an investigation and gathering information, whether pursuant to Legislative direction or pursuant to its regular functions of oversight and bill preparation, shall observe the following procedures in addition to regular committee procedures whenever subpoenas are issued:

(A) Issuance of Subpoenas

(i) A committee may by majority vote of all of its members, taken at a meeting properly called, issue a subpoena requiring a person to appear before the committee and be examined in reference to any matter within the scope of the inquiry or investigation being conducted by the committee, but only when the committee has received prior approval by a majority vote of the executive board to issue subpoenas in connection with the specific inquiry or investigation in question.

(ii) The committee may in the same manner issue a subpoena or subpoena duces tecum requiring any person to appear before the committee and bring with him or her any books, papers, or other documents pertinent thereto.

(iii) While the Legislature is in session, a committee deciding to issue subpoenas must promptly report each issuance to the Legislature. A record shall be made in the Journal reflecting the date the subpoena was issued, to whom it was issued, for what purpose it was issued, and the date on which testimony or production of documents is to take place. Under extraordinary circumstances the identity of the person subpoenaed may be withheld from publication if necessary to protect the safety of an individual or the confidentiality of the matters to be heard.

(iv) A person subpoenaed to attend a hearing of a committee shall receive the same fees and allowances as a person subpoenaed to give testimony in an action pending in a court of record.

(B) Notice to Witnesses.

(i) Service of a subpoena requiring the attendance of a person at a hearing of a committee shall be made in the manner provided by law

for the service of subpoenaed in civil actions at least seven days prior to the date of the hearing unless a shorter period of time is authorized by majority vote of all of the members of the committee in a particular instance when, in their opinion, the giving of seven days notice is not practicable; but if a shorter period of time is authorized, the person subpoenaed shall be given reasonable notice of the hearing, consistent with the particular circumstances involved.

(ii) Any person who is served with a subpoena to attend a hearing of a committee shall also be served with a copy of the act defining the purpose of the committee, a copy of the rules under which the committee functions, a general statement informing him or her of the subject matter of the committee's investigation or inquiry and a notice that he or she may be accompanied at the hearing by counsel of his or her own choosing.

(C) Conduct of the Hearing.

(i) No committee which has issued a subpoena directing a witness to appear at a hearing shall question the witness unless a quorum is present throughout the questioning.

(ii) The hearing shall be public unless the committee, by majority vote of all of its members, determines that a hearing should not be open to the public in a particular instance, due to rare and extraordinary circumstances consistent with Legislative Rule 3, section 14(b) regarding closed meetings.

(iii) The chairperson of the committee shall preside at all hearings and shall conduct the examination of witnesses himself or herself or supervise the examination by other members of the committee. The committee may by majority vote of all its members authorize the questioning of a witness by the committee's counsel or by special counsel.

(D) Right to Counsel and Submission of Questions.

(i) Every witness at the hearing may be accompanied by counsel of his or her own choosing, who may advise the witness of his or her rights, subject to reasonable limitations which the committee may prescribe to prevent obstruction of or interference with the orderly conduct of the hearing.

(ii) Any witness at the hearing, or a witness' counsel, may submit to the committee proposed questions to be asked of the witness or any other witness relevant to the matters upon which there has been any questioning or submission of evidence, and the committee shall ask such of the questions as it deems appropriate and relevant to the subject matter of the hearing.

(E) Testimony.

(i) The committee shall cause a verbatim record to be made of all proceedings in testimony or other evidence is demanded or offered, which record shall include rulings of the chair, questions of the committee and its counsel, the testimony or responses of witnesses, sworn written statements submitted to the committee and read into the record, and such other matters as the committee or its chair may direct.

(ii) All testimony given or offered at the hearing shall be under oath or affirmation if the witness has been subpoenaed, and in other cases if a majority of the committee members present at the hearing so decide.

(iii) The presiding member at the hearing may direct a witness to answer any relevant question or furnish any relevant book, paper or other document, the production of which has been required by subpoena duces tecum. Unless the direction is overruled by a majority vote of the committee members present, disobedience shall constitute a contempt.

(iv) A witness at the hearing or his or her counsel, with the consent of a majority of the committee's members present at the hearing, may file with the committee for incorporation into the record of the hearing sworn written statements relevant to the purpose, subject matter and scope of the committee's investigation or inquiry.

(v) Testimony and other evidence given or offered at a hearing closed to the public shall not be made public unless authorized by majority vote of all of the members of the committee, which authorization shall also specify the form and manner in which the testimony or other evidence may be released.

(vi) A witness at a closed hearing, upon request and at his or her own expense, shall be furnished a transcript of his or her testimony at the hearing.

(F) Interested Persons.

(i) Any person whose name is mentioned or who is otherwise identified during the hearing and who, in the opinion of the committee, may be adversely affected thereby, may, upon his or her request or upon the request of any member of the committee, appear personally before the committee and testify in his or her own behalf, or, with the committee's consent, may file a sworn written statement of facts or other documentary evidence for incorporation into the record thereof.

(ii) Upon the consent of a majority of its members a committee may invite any other person to appear at a hearing or submit a sworn

written statement of facts or other documentary evidence for incorporation into the record thereof. No invitation to appear, and no request to appear, appearance, or submission of evidence shall limit in any way the committee's power of subpoena.

(iii) Any person who appears before a committee pursuant to this section shall have all the rights, privileges and responsibilities of a witness provided to all other witnesses.

(G) Contempt.

A person shall be in contempt if he or she:

(i) Fails or refuses to appear in compliance with a subpoena or, having appeared, fails or refuses to testify under oath or affirmation.

(ii) Fails or refuses to answer any relevant question or fails or refuses to furnish any relevant book, paper or other document subpoenaed by or on behalf of a committee, or

(iii) Commits any other act or offense against a committee which, if committed against the Legislature would constitute a contempt.

The chairperson of a committee may apply to the Legislature or, during the interim, to the District Court of any county to compel obedience by proceedings for contempt.

(H) Penalties.

(i) A person guilty of contempt under the provision of these rules shall be subject to punishment pursuant to R.R.S. 50-105 and 50-106 during the session, or to R.R.S. 50-407 when the Legislature is not in session.

(ii) If a committee fails in any material respect to comply with the requirements of these rules, any person subject to a subpoena or a subpoena duces tecum who is injured by such failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued or, if present, to testify or produce evidence therein; and such failure shall be a complete defense in any proceeding against such person for contempt or other punishment.

(iii) Any member or employee of the Legislature other than the witness concerned or his or her counsel who knowingly violates subsections of these rules concerning the publication of testimony taken at a closed hearing shall be in contempt of the Legislature or, if a member of the Legislature, shall be subject to sanction or suspension according to the statutes governing the Legislature. The speaker on his or her own motion or on the application of any person claiming to have been injured or prejudiced by an unauthorized disclosure may institute proceedings for the determination of the issue and for the imposition of penalties provided herein. Nothing in this subsection shall limit any power which the Legislature may have to discipline a

member or employee or to impose a penalty in the absence of action by a prosecuting officer or court.

(I) Limitation of Rules.

Nothing contained in this section shall be construed to limit or prohibit the acquisition of evidence or information by any committee by any lawful means not provided for herein.

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 or rejection of amendments to the federal constitution, or memorialize the Congress with regard to amendments to the U. S. Constitution, or the rejection, change, alteration, amendment, or modification of rules under the provisions of Section 84-904, Reissue Revised Statutes of Nebraska, 1943, shall be considered and adopted in the same manner as bills.

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

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

RRS 50-404

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

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

RULE 4

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

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

Const. Art. III, Sec. 14.

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

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

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, with the exception of committee bills. The last name and district shall be used, unless an initial or name is necessary to identify the introducer.

Sec. 5. Introduction of Bills, Ten Day Limitation. (a) Except as provided in Rule 5, Sec. 7(g), 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) Individual members shall not be limited as to bill introduction. Each committee shall be limited to 8 bills each session. 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 8 bill limit a four-fifths vote shall be required. Bills introduced under Rule 5, Sec. 3(a) and bills introduced at the request of the Governor 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. Scheduling of Bills, Priority Bills. (a) Each senator may designate one bill as a priority bill. Such priority bill need not be the designator's bill, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.
(b) Each standing committee chairperson may designate two of the committee's bills as priority bills.
(c) The Speaker may designate any additional number of priority bills.
(d) Priority bill designations may be made at any time prior to the annual designation deadline which shall be set each year by the Speaker. The designation deadline shall be prior to the 45th legislative day in the ninety day session and prior to the 30th legislative day in the sixty day session.
(e) A senator or committee may withdraw a priority designation at any time, but will not be allowed to designate another bill as a priority bill in its place. The Speaker may withdraw a priority designation made by the Speaker.
(f) All committees shall schedule priority bills for public hearing ahead of all unscheduled, nonpriority bills unless the person or committee making the priority designation shall otherwise agree.
(g) All bills not designated as priority bills shall be heard on general file in the order in which they are reported to the floor by the committees, unless the introducer of the bill and the Speaker agree to delay the hearing of a particular bill. This provision shall not be construed to prevent the Speaker from placing bills reported out of committee with two or less dissenting votes on a Consent Calendar. Any bill placed on Consent Calendar shall be removed at the written request of three or more senators.
(h) Priority bills shall generally be considered ahead of all other bills at each stage of debate, except that priority bills requiring the expenditure of appropriated funds may be held on final reading until such time as the annual appropriations bills have been passed. A priority bill which fails to advance after two votes on general file, or after one vote on select file, shall return to nonpriority status.

(i) No priority bill designated under this rule shall have priority over appropriations bills.

Sec. 7. 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 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 the Legislature and such amendments would change the fiscal impact of the bill, the appropriate changes shall be made in the fiscal note each time the bill is advanced to Enrollment and Review or upon the written request of a member of the Legislature.

(f) When any bill proposes adoption of a new program or change of an existing program either of which would require an appropriation 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.

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

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

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

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

(k) 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. 8. 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. 9. 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. 10. 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. 11. Expenditure of Legislative Funds. Those expenditures on which the Legislature votes shall require the approval of the majority of the elected members.

Salaries of employees. Rule 1, Sec. 22.

Sec. 12. 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. 12.

Sec. 13. Division of Bills, Prohibited. No bill shall be divided into two or more bills.

Sec. 14. 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. Objection to Reference of Bills. (a) Any member may object to the reference of any bill or other proposition, and correction in case of error in reference may be made by the Legislature by unanimous consent, or by the vote of a majority of the elected members.

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

Sec. 3. 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		
Withdraw bill	**MTV**	**5-11**
On consideration of bill on General File		
Move to pass over	**MTV**	**6-3d**
Move to change order	**3/5**	**1-16**
Move to IPP before bill is read	**MEM**	**6-3f**
Move to IPP after bill is read	**MTV**	
Move to Advance to E & R Review	**MEM**	**6-4**
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 amend	**MEM**	**6-3h**
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**	**6-5d**
Motion to amend	**MEM**	**6-5f**
Motion to advance	**MEM**	**6-4**
Defeated bill, motion to reconsider	**MEM**	**7-7**

Sec. 4. 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. 5. Select File. When the Legislature considers bills on Select File, any of the following motions shall be in order.

RULE 6

(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 if machine vote requested	**MEM**	
Motion to act on E & R amendment	**MTV**	**6-5a**
Motion to amend	**MEM**	**6-5b**
Motion to recommit to a standing committee	**MEM**	**6-5f**
Motion to return to General File for amendment	**MEM**	**6-5d**
Motion to Indefinitely Postpone	**MEM**	**6-5e**

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

Sec. 6. 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. 7. 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. 8. 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.

(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.

RULE 6

Sec. 9. Question on Final Reading. The question after the Final Reading of bill shall be: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'" If the emergency clause is contained in the bill, the words "with the emergency clause attached" shall be added to the question.

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

Sec. 10. 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. 11. Governor's Veto. Further Legislative Action. Upon the day of receipt of a message from the Governor announcing his or her veto of a bill, or on any of the next five legislative days in the same annual session, any member may move that the bill so vetoed be taken up for passage in the form presented to the Governor. Whereupon, the question shall be, "Shall the bill pass, notwithstanding the objection of the Governor?" No bill vetoed by the Governor shall be taken up by the legislature for any purpose other than passage of the bill notwithstanding the objection of the Governor or for override of a line-item veto.

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. 12. 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. 13. 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. 14. (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. 15. 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?'."

RULE 6

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

FINAL READING

		Rule-Sec.
To return to standing committee	MEM	6-8
To return to E & R to correct an error	MEM	6-8
To return to Select File for specific amendment	MEM	6-6
Unless to add the emergency clause	2/3	6-8
To pass on Final Reading	MEM	6-9
With emergency clause attached	2/3	6-10
Creation of State Office *Const. Art. IV, Sec. 27*	2/3	
Motion to reconsider (when failed on Final Reading)	3/5	7-7
To add the emergency clause	2/3	6-8
Override Governor's veto	3/5	6-11
"A" bills considered		5-6

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 in odd-numbered years, after the period allowed for the introduction of bills, recess for five (5) calendar days. During such recess committees shall prepare, for public distribution, a calendar of hearing dates. No committee hearings shall be held during the recess provided for in this section. The Legislature shall remain in session until it shall adjourn sine die, but in no event shall it remain in session for longer than ninety (90) legislative days in odd-numbered years or sixty (60) legislative days in even-numbered years. This limitation may be suspended by a four-fifths vote of the elected senators.

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.

(e) Only Senators physically in the legislative chamber may vote.

(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 General File or Select File, unless the introducer(s) of the bill, or the committee chairperson in the case of committee bills, request(s) that the motion to postpone indefinitely be considered immediately without the one day delay.
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 made only in the normal course of speaking order and shall be in order when demanded by five or more members, and must be sustained by the vote of a majority of the elected members, and until decided shall, except as provided in this section of this rule, preclude further debate and all amendments and motions, except one motion to adjourn. The presiding officer may rule the previous question out of order if in the presiding officer's opinion a full and fair debate has not been afforded, due to the complexity of the subject matter. The ruling of the presiding officer shall be subject to overrule in accordance with Rule 1, Sec. 12 of these Rules.

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.

(d) For a bill on General File, no motion to reconsider shall be in order until the bill has failed to advance three times; for a bill on Select File, no motion to reconsider shall be in order until the bill has failed to advance two times; for a bill passed on Final Reading, no motion to reconsider shall be in order except by the introducer of the bill, for technical or clarifying amendments.

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.

A motion to adjourn shall be adopted if approved by a majority of members voting.

RULE 8—APPROPRIATIONS PROCESS

Section. 1. Purpose. The purpose of this Rule is to provide a procedure for the Legislature to develop appropriations for all state agencies, boards, and commissions. Such procedure shall consider the need to (1) continue the services and financial assistance provided by state agencies and programs, and (2) restrict the growth in state appropriations.

Sec. 2. Appropriations Committee Report. The Legislature's Appropriations Committee, by majority vote of its members, shall annually prepare a report summarizing the recommended total General Fund appropriation for each year of the following biennium. Such report shall include information based upon the committee's initial review of (1) state agency, board and commission budget requests, (2) the Governor's budget, (3) the estimated revenue receipts for each year of the following biennium, (4) General Fund reserve requirements, (5) express obligations, and (6) economic conditions affecting the State of Nebraska.

Sec. 3. Report, When Required. The report required in Sec. 2 of this Rule shall be printed in the Legislative Journal and presented to each member of the Legislature by the Chairperson of the Appropriations Committee between twenty and thirty legislative days after the Governor presents his or her budget during sessions in odd-numbered years and between fifteen and twenty legislative days after the Governor's budget presentation during session in even-numbered years.

Sec. 4. Resolution, General Fund Appropriation. Based upon the Appropriations Committee's report, the Legislature shall adopt a resolution which specifically recommends a maximum General Fund appropriation for each year of the following biennium. The Legislature shall consider such resolution no less than three legislative days after the Appropriations Committee report is distributed to members of the Legislature and the resolution is printed in the Legislative Journal. Any adoption of the resolution or amendment to the resolution which increases or decreases the maximum General Fund appropriation recommendation made under Section 2 of this Rule shall require twenty-five votes for adoption.

Sec. 5. Bills, Held on Final Reading. The report of the Appropriations Committee shall include a recommended dollar amount of the General

RULE 8

Fund biennium appropriation provided for in Sec. 4 of this Rule which shall be allocated for the funding of "A" bills, bills that result in the reduction of revenue to the General Fund, tax expenditure bills, and amendments to the appropriation bills as reported to General File by the Appropriations Committee. All "A" bills which appropriate General Funds, all bills resulting in the reduction of revenue to the General Fund, and all tax expenditure bills shall not be read on final reading until the appropriation bills are passed by the Legislature. Provided the Appropriation Committee shall place appropriation bills on General File no later than the 70th Legislative Day in a 90 day session and the 40th Legislative Day in a 60 day session. If this deadline is not met, the Legislature shall consider the appropriation bills as introduced by the Governor. The appropriation bills shall be passed no later than the 80th Legislative Day in a 90 day session and the 50th Legislative day in a 60 day session. Such appropriation bills proposed by the Appropriations Committee plus the allocation for the funding of "A" bills, all bills resulting in the reduction of revenue to the General Fund, and all tax expenditure bills, shall not be in excess of the maximum General Fund appropriation adopted by resolution pursuant to Sec. 4 of this Rule. The appropriation provided for in an "A" bill shall be for not less than two fiscal years.

MOTIONS

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Advance to E & R for Engrossing if machine vote requested	25	6-5
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BILL DRAFTER		
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Governors, introduced by Appropriations Committee	5	8
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Enrollment and Review	3	4d
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Order and arrangement by Speaker	6	3c
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Introducer		
Reading name of principal introducer	6	3a
Introduction of		
Day limitation	5	5
Limit number of	5	5d
Members willing to support	5	4
Signature of Senators on bills	5	4
Priority of		
Appropriation bills	1	16
Public hearing, notice required	3	12
Reading of, on introduction		
Section by section not required	6	3a
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	Rule	Sec.
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Generally	6	
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	Rule	Sec.
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Reading by Clerk, not required, when	6	5g
Title, authority to make	7	3c
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	Rule	Sec.
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OFFICERS		
Election of, votes required	1	3
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Oath 1	4	
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Duties of	1	20b
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Clerk		
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Senators addressing the Chair, procedure	2	7a
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Authority to declare the Call raised	7	5
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	Rule	Sec.
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Engrossed, when	4	7
General provisions	4	
Hold for 25 signatures	4	5
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Printing	5	9
Referred to committee	4	8
Signing upon passage		
Restriction on who may	1	7
Who authorized	1	13
Study committees, proposed by review by Executive Board	4	3
Voting on		
Yeas and Nays required	7	2c
Voting printed in Journal	1	18b
When considered as a bill	4	2
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Transgression of Rules by a member	2	8
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	Rule	Sec.
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Vote required	6	5f
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Censure, excepted words	2	8
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Families, admitted to floor, when	2	3d
Final Reading, remain in seats	2	3g
Immunity for words spoken	2	9
Personal Privilege	2	11
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Signature on bills	5	4
Speaking on floor, limitation on length	2	10
Use of profanity prohibited	2	7b
Violation of Rules, restrictions on	2	8
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Compel presence of member	2	4b
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	Rule	Sec.
SESSIONS		
Debate, limitations on, length	2	10
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Interruption of, prohibited	2	7b
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SPEAKER		
Acting President, when	1	5
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Bills on General File, set order	6	3c
Committee membership, restricted	3	3b
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	10
Signing bills and resolutions	1	13
SPECIAL COMMITTEES		
Designation of	3	5
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SPECIAL ORDER		
Order of bill not yet reached	7	1d
SPECIAL ORDER OF THE DAY		
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STANDING COMMITTEES		
Appointment of members to	3	2b
Bills		
Attempt to put on General File, failure, effect	3	18c
Correlations of bills into lesser number	3	11
Recommit from Final Reading	6	8b
Twenty days, motions to place on General File	3	18b
Chairman, selection by secret ballot	3	7a
Definition and enumeration of	3	3
Duration of membership	3	2c
Eight calendar days, duty to act	3	15b

	Rule	Sec.
Force bill to be placed on General File	3	15
Indefinitely postponed		
Motion to place on General File notwithstanding	3	16
Introduction of bills after tenth day	5	5a
Membership on, appointment to	3	2b
Nomination of members for	3	3
Number of members on each committee	3	3
Raise bill indefinitely postponed	3	16
Record of proceedings	3	17
Report from, required, when	3	15
Report to the Legislature		
Indefinitely postponed	3	16
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Requirement of, contents	3	17
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Reference to	4	8
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Time for meetings	3	6
Vice Chairman, designation by committee	3	7c
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SUSPENSION OF THE RULES		
Additional names as introducers	5	4
Votes required	2	2
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Suspension of the Rules, prohibited when	5	4
VACANCIES		
On committees, appointment to	3	10
VISITORS		
Legislative Chamber, admission to	2	3
Notice to presiding officer	2	7b
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Absent members, insert in Journal	2	5
Committees, action on bills	3	15
Expulsion of members	2	6
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

	Rule	Sec.
Resolutions, plurality required	4	6
Voice vote, authorized when	7	2a
WITHDRAWAL OF BILLS		
Procedure, consent	5	12
Restriction on, when set for hearing	3	12

FIRST DAY - JANUARY 5, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 5, 1983

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. Gerald Lundby, American Lutheran Church, Lincoln, Nebraska.

Presentation of colors by the Nebraska National Guard Ceremonial Unit.

ROLL CALL

The roll was called and the following members were present:

Abboud, Chris	Barrett, William E.	Beutler, Chris
Beyer, Emil E., Jr.	Carsten, Calvin	Chambers, Ernest
Chronister, Harry B.	Clark, Robert	Cullan, Samuel K.
DeCamp, John W.	Doyle, Thomas	Eret, Donald
Fenger, George	Goll, James E.	Goodrich, Glenn A.
Haberman, Rex	Hannibal, Gary E.	Hefner, Elroy M.
Higgins, Marge	Hoagland, Peter	Jacobson, Clarence
Johnson, Lowell	Johnson, Rod	Johnson, Vard
Kahle, Martin	Kilgarin, Karen	Labedz, Bernice R.
Lamb, Howard	Landis, David	Lundy, Ray
Marsh, Shirley M.	Morehead, Patricia S.	Newell, David R.
Nichol, William E.	Pappas, James E.	Peterson, Howard L.
Peterson, Richard	Pirsch, Carol M.	Remmers, R. Wiley
Rupp, Lee	Schmit, Loran	Sieck, Harold F.
Vickers, Tom	Von Minden, Merle	Wagner, Donald L.
Warner, Jerome	Wesely, Don	Wiitala, Steve

Mr. Steve Fowler was excused until he arrives.

MOTION - Adopt Rules

Mr. Wesely moved that the Rules, as now in our possession, be adopted

for today only, Wednesday, January 5, 1983.

The motion prevailed.

MOTION - Temporary Clerk and Sergeant at Arms

Mr. Carsten 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.

MESSAGE FROM THE SECRETARY OF STATE

January 5, 1983

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

I hand you herewith the official appointment and oath of James Pappas as a Member of the Legislature from the Forty-second (42nd.) Legislative District for the unexpired term of Myron Rumery, deceased.

Sincerely,
(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 James Pappas has been appointed as a Member of the Nebraska Unicameral Legislature from the Forty-second (42nd.) District for the unexpired term of Myron Rumery, deceased. The term beginning November 29, 1982 shall continue until January 5, 1983 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 fifth day of January in the year of our Lord, one thousand nine hundred and eighty-three.

(Signed) ALLEN J. BEERMANN
Secretary of State

SEAL

GUBERNATORIAL APPOINTMENT

KNOW ALL MEN BY THESE PRESENTS:

That I, Charles Thone Governor of the State of Nebraska, do hereby appoint James Pappas of Hershey as Member of the Legislature - District Forty-two. This appointment shall take effect on November 29, 1982 and continue until January 5, 1983 provided you shall satisfactorily perform all the duties imposed by law.

Said appointee succeeds Senator Myron Rumery, deceased.

Done at Lincoln, Nebraska, this 29th day of November 1982.

(Signed) Charles Thone
Governor, State of Nebraska

OFFICIAL OATH

STATE OF NEBRASKA)
)ss.
COUNTY OF LANCASTER)

"I, James Pappas, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Unicameral Legislature - Dist. 42 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) James E. Pappas

Subscribed in my presence and sworn to before me this 29th day of November, 1982.

(Signed) Allen J. Beermann
Notary Public

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

RESIGNATION

November 22, 1982

Honorable Charles Thone
Governor
State of Nebraska
Statehouse Station
Lincoln, NE 68509

Dear Governor Thone:

It is with deep regret that I submit this letter.

Having enjoyed the eminently satisfying challenge of serving in the Nebraska Unicameral Legislature these many years, I am concerned that failing health is endangering my ability to maintain the high standards I have asked of myself and others. I hereby submit my resignation from the Legislature to become effective November 29, 1982.

I wish to express my gratitude for the support tendered me by the citizens of Nebraska and especially those of the 33rd Legislative District. I hope that they may consider my efforts to be worthy and undertaken with a deep felt concern for the greatest good to the entire State of Nebraska.

Sincerely,
(Signed) Richard D. Marvel
Senator
Legislative District No. 33

MESSAGE FROM THE SECRETARY OF STATE

January 5, 1983

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

Dear Mr. O'Donnell:

I hand you herewith the official appointment and oath of Clarence Jacobson as a Member of the Legislature from the Thirty-third (33rd.) Legislative District for the unexpired term of Richard Marvel, who resigned.

Sincerely,
(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 Clarence Jacobson has been appointed as a Member of the Nebraska Unicameral Legislature from the Thirty-third (33rd.) District for the unexpired term of Richard Marvel, who resigned. The term beginning November 29, 1982 shall continue until January 7, 1985 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 fifth day of January in the year of our Lord, one thousand nine hundred and eighty-three.

(Signed) ALLEN J. BEERMANN
Secretary of State

SEAL

GUBERNATORIAL APPOINTMENT

KNOW ALL MEN BY THESE PRESENTS:

That I, Charles Thone Governor of the State of Nebraska, do hereby appoint Clarence Jacobson of Hastings as Member of the Legislature - District 33. This appointment shall take effect on November 29, 1982 and continue until first Monday after first Wednesday January 1985 provided you shall satisfactorily perform all the duties imposed by law.

Said appointee succeeds Senator Richard Marvel, resigned.

Done at Lincoln, Nebraska, this 29th day of November 1982.

(Signed) Charles Thone
Governor, State of Nebraska

OFFICIAL OATH

STATE OF NEBRASKA)
)ss.
COUNTY OF LANCASTER)

"I, Clarence Jacobson, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Unicameral Legislature - 33rd Dist. according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote I may give or withhold on any bill, resolution, or appropriation)."*

(Signed) Clarence Jacobson

Subscribed in my presence and sworn to before me this 29th day of November, 1982.

(Signed) Allen J. Beermann
Notary Public

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

MOTION - Committee on Credentials

Mr. Warner 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, 1982.

The motion prevailed.

Mr. DeCamp nominated Messrs. Warner, Carsten, Schmit, Chambers, and Clark.

Mr. H. Peterson moved the nominations be closed. The motion prevailed with 47 ayes, 0 nays, and 2 not voting.

The above nominees were elected with 47 ayes, 0 nays, and 2 not voting.

EASE

The Legislature was at ease from 10:14 a.m. until 10:18 a.m.

Mr. Warner 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-eighth Legislature, First Session (Regular), 1983.

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-eighth Legislature, First Session (Regular), 1983.

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

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

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

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

(SEAL)

DISTRICT	NAME	ELECTED
1	R. Wiley Remmers	November 4, 1980
2	Calvin F. Carsten	November 2, 1982
3	Emil E. Beyer, Jr.	November 4, 1980
4	Gary E. Hannibal	November 2, 1982
5	Bernice Labedz	November 4, 1980
6	Peter Hoagland	November 2, 1982
7	Karen Kilgarin	November 4, 1980
8	Vard Johnson	November 2, 1982

9	Marge Higgins		November 4, 1980
10	Carol McBride Pirsch		November 2, 1982
11	Ernest Chambers		November 4, 1980
12	Chris Abboud		November 2, 1982
13	David R. Newell		November 4, 1980
14	Thomas D. Doyle		November 2, 1982
15	Lowell C. Johnson		November 4, 1980
16	James E. Goll		November 2, 1982
17	Merle Von Minden		November 4, 1980
18	Harry B. Chronister		November 2, 1982
19	Elroy M. Hefner		November 4, 1980
20	Glenn A. Goodrich		November 2, 1982
21	Richard Peterson		November 4, 1980
22	Lee Rupp		November 2, 1982
23	Loran Schmit		November 4, 1980
24	Harold F. Sieck		November 2, 1982
25	Jerome Warner		November 4, 1980
26	Don Wesely		November 2, 1982
27	Steve Fowler		November 4, 1980
28	Chris Beutler		November 2, 1982
29	Shirley Marsh		November 4, 1980
30	Patricia S. Morehead		November 2, 1982
31	Steve Wiitala		November 4, 1980
32	Donald Eret		November 2, 1982
33	*Clarence E. Jacobson		Appointed
34	Rod Johnson		November 2, 1982
35	Howard Peterson		November 4, 1980
36	Ray Lundy		November 2, 1982
37	Martin F. Kahle		November 4, 1980
38	Tom Vickers		November 2, 1982
39	William E. Barrett		November 4, 1980
40	John W. DeCamp		November 2, 1982
41	Don Wagner		November 4, 1980
42	**James E. Pappas	Appointed, Elected	November 2, 1982
43	Howard Lamb		November 4, 1980
44	Rex Haberman		November 2, 1982
45	George Fenger		November 4, 1980
46	David Landis		November 2, 1982
47	Robert L. Clark		November 4, 1980
48	William E. Nichol		November 2, 1982
49	Samuel K. Cullan		November 4, 1980

* Appointed November 29, 1982 to complete term of Richard Marvel
** Appointed November 29, 1982 to complete term of Myron Rumery

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

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

MOTION - Escort Chief Justice

Mr. Wiitala 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.

The Chair appointed Mesdames Labedz, Marsh, Messrs. Goodrich, Schmit, and Kahle to serve on said Committee.

EASE

The Legislature was at ease from 10:22 a.m. until 10:26 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 Abboud
Calvin F. Carsten
John W. DeCamp
Donald Eret
Glenn A. Goodrich
Gary E. Hannibal
Clarence Jacobson
Vard Johnson
Ray Lundy
William E. Nichol
Carol M. Pirsch
Harold F. Sieck
Chris Beutler
Harry B. Chronister
Thomas Doyle
James E. Goll
Rex Haberman
Peter Hoagland
Rod Johnson
David Landis
Patricia S. Morehead
James E. Pappas
Lee Rupp
Tom Vickers

Don Wesely

Subscribed in my presence and sworn to before me this fifth day of January, 1983.

(Signed) Norman Krivosha
Chief Justice

The Committee escorted the Chief Justice from the Chamber.

MOTION - Election of Officers

Mr. Schmit moved that the following officers recommended by the Executive Board be approved for this Eighty-Eighth Legislature, First Session:

Clerk of the Legislature.....Patrick J. O'Donnell
Assistant Clerk of the Legislature .....Richard Brown
Sergeant at Arms .....Ray Wilson
Chaplain Coordinator .....Robert Palmer

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

MOTION - Election of Speaker

Mr. Barrett moved to proceed to the election of the Speaker of the Legislature.

The motion prevailed.

Mr. Warner nominated Mr. Clark.

Mr. Nichol placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Mrs. Pirsch, Messrs. Fowler and Lamb as tellers.

Clark	23
Nichol	26
	49

The Chair declared Mr. Nichol duly elected Speaker of the Legislature.

MOTION - Escort Chief Justice

Miss Kilgarin 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.

The President appointed Miss Kilgarin, Messrs. Clark, H. Peterson, Landis, and Hoagland to serve on said committee.

EASE

The Legislature was at ease from 10:54 a.m. until 10:59 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 .....William E. Nichol
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

Mrs. Marsh moved to proceed to the election of the Chairperson of the Committee on Committees.

The motion prevailed.

Mrs. Marsh nominated Mr. Chronister.

Mr. DeCamp moved to cease nominations and to cast a unanimous vote for Mr. Chronister.

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

Mr. Chronister was duly elected Chairperson of the Committee on Committees.

MOTION - Chairperson of Executive Board

Mrs. Pirsch moved to proceed to the election of the Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Mr. Vickers nominated Mr. V. Johnson.

Mr. Carsten nominated Mr. Lamb.

The Chair declared the nominations closed.

The Chair appointed Mrs. Higgins, Messrs. Carsten, and Vickers as tellers.

V. Johnson	27
Lamb	22
	49

The Chair declared Mr. V. Johnson duly elected Chairperson of the Executive Board.

MOTION - Vice Chairperson of Executive Board

Mr. Vickers moved to proceed to the election of the Vice Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Mr. Kahle nominated Mr. H. Peterson.

Mr. V. Johnson nominated Mrs. Marsh.

The Chair declared the nominations closed.

The Chair appointed Messrs. Beutler, Sieck, and Haberman as tellers.

H. Peterson	22
Marsh	26
	48

The Chair declared Mrs. Marsh duly elected Vice Chairperson of the Executive Board.

MOTION - Executive Board Members

Mr. R. Peterson moved to proceed to the election of the other six members of the Executive Board of the Legislative Council as outlined

in 50-401.01.

The motion prevailed.

Messrs. Carsten and Schmit were nominated from District 1.

Mrs. Labedz and Mr. Beyer were nominated from District 2.

Messrs. Wagner and Barrett were nominated from District 3.

Mr. DeCamp moved the report be accepted.

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

The Chair declared the nominees duly elected.

MOTION - Committee on Committees Members

Mr. Landis moved to 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. 2a, to nominate three members to be elected by the Legislative body to serve on the Committee on Committees.

The motion prevailed.

District 1
Wesely
Remmers
Morehead

District 2
V. Johnson
Newell
Higgins

District 3
DeCamp
L. Johnson
R. Peterson

District 4
Kahle
Pappas
Wagner

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

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

The Chair declared the nominees duly elected.

MOTION - Committee Chairperson

Mr. Sieck moved to proceed to the election of the Committee Chairpersons, by secret ballot, in accordance with Rule 3, Sec. 2c.

The motion prevailed.

CHAIRPERSON - Administrative Rules & Regulations Review

Mr. R. Peterson nominated Mr. Cullan.

Mr. DeCamp moved to cease nominations and to cast a unanimous vote on Mr. Cullan.

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

Mr. Cullan was duly elected Chairperson of the Administrative Rules and Regulations Review Committee.

CHAIRPERSON - Agriculture & Environment

Mr. R. Johnson nominated Mr. Haberman.

Mr. Kahle placed his name in nomination.

The Chair declared the nomination closed.

The Chair appointed Messrs. Hefner, Von Minden, and R. Johnson as tellers.

Haberman	29
Kahle	20
	49

Mr. Haberman was duly elected Chairperson of Agriculture and Environment Committee.

CHAIRPERSON - Appropriations

Mr. Clark nominated Mr. Warner.

Mr. DeCamp moved to cease nominations and to cast a unanimous vote for Mr. Warner.

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

Mr. Warner was duly elected Chairperson of Appropriations Committee.

CHAIRPERSON - Banking, Commerce & Insurance

Mr. Carsten nominated Mr. Remmers.

Mr. DeCamp placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Messrs. Carsten, L. Johnson, and Pappas as tellers.

Remmers	19
DeCamp	30
	49

Mr. DeCamp was duly elected Chairperson of Banking, Commerce, and Insurance Committee.

CHAIRPERSON - Business & Labor

Mr. Warner nominated Mr. Barrett.

Mrs. Marsh moved to cease nominations and to cast a unanimous vote for Mr. Barrett.

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

Mr. Barrett was duly elected Chairperson of Business and Labor Committee.

CHAIRPERSON - Constitutional Revision & Recreation

Mr. DeCamp nominated Mrs. Labedz.

Mr. DeCamp moved to cease nominations and to cast a unanimous vote for Mrs. Labedz.

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

Mrs. Labedz was duly elected Chairperson of Constitutional Revision and Recreation Committee.

CHAIRPERSON - Education

Mr. Cullan nominated Mr. Vickers.

Mrs. Marsh moved to cease nominations and to cast a unanimous vote for Mr. Vickers.

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

Mr. Vickers was duly elected Chairperson of Education Committee.

CHAIRPERSON - Government, Military and Veterans Affairs

Mr. Wiitala nominated Mr. Landis.

Mr. Hoagland moved to cease nominations and to cast a unanimous vote for Mr. Landis.

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

Mr. Landis was duly elected Chairperson of Government, Military and Veterans Affairs Committee.

CHAIRPERSON - Judiciary

Mr. V. Johnson nominated Mr. Beutler.

Mr. Nichol nominated Mrs. Pirsch.

Mr. Chambers placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Mrs. Morehead, Messrs. V. Johnson, and Nichol as tellers.

Beutler	19
Pirsch	16
Chambers	14
	49

The Chair announced that a second ballot would be cast between Senators Beutler and Pirsch.

The Chair appointed Mrs. Morehead, Messrs. V. Johnson, and Nichol as tellers.

Beutler	30
Pirsch	18
	48

Mr. Beutler was duly elected Chairperson of Judiciary Committee.

CHAIRPERSON - Miscellaneous Subjects

Mr. Wagner nominated Mr. Hefner.

Mr. Landis moved to cease nominations and to cast a unanimous vote for Mr. Hefner.

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

Mr. Hefner was duly elected Chairperson of Miscellaneous Subjects Committee.

CHAIRPERSON - Public Health and Welfare

Mr. Chronister nominated Mr. Fenger.

Mr. Warner nominated Mr. Wesely.

The Chair declared the nominations closed.

The Chair appointed Messrs. Chronister, Warner, and Doyle as tellers.

Fenger	25
Wesely	24
	49

Mr. Fenger was duly elected Chairperson of Public Health and Welfare.

CHAIRPERSON - Public Works

Mr. Wesely nominated Mr. Schmit.

Mr. DeCamp moved to cease nominations and to cast a unanimous vote for Mr. Schmit.

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

Mr. Schmit was duly elected Chairperson of Public Works Committee.

CHAIRPERSON - Revenue

Mr. Barrett nominated Mr. Carsten.

Mr. DeCamp moved to cease nominations and to cast a unanimous vote for Mr. Carsten.

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

Mr. Carsten was duly elected Chairperson of Revenue Committee.

CHAIRPERSON - Urban Affairs

Mr. Hefner nominated Mr. Goll.

Mrs. Labedz nominated Mrs. Higgins.

Mr. Landis nominated Mr. Newell.

The Chair appointed Messrs. Landis, Rupp, and Mrs. Labedz as tellers.

Goll	14
Higgins	11
Newell	24
	49

The Chair announced that a second ballot would be cast between Senators Goll and Newell.

Goll	22
Newell	27
	49

Mr. Newell was duly elected Chairperson of Urban Affairs Committee.

MOTION - Special and Select Committees

Mr. Hefner moved to proceed to the election of the Chairperson of the Special and Select Committees.

The motion prevailed.

CHAIRPERSON - Intergovernmental Cooperation

Mr. Beyer nominated Mr. Clark.

Mr. Cullan nominated Mr. Sieck.

The Chair declared the nominations closed.

The Chair appointed Messrs. Beyer, Lundy, and Cullan as tellers.

Clark	28
Sieck	19
	47

Mr. Clark was duly elected as Chairperson of Intergovernmental Cooperation Committee.

CHAIRPERSON - Rules

Mr. Schmit nominated Mr. Hoagland.

Mr. DeCamp moved to cease nominations and to cast a unanimous vote for Mr. Hoagland.

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

Mr. Hoagland was duly elected Chairperson of Rules Committee.

CHAIRPERSON - Enrollment and Review

Miss Kilgarin nominated Mr. R. Johnson.

Mr. Clark nominated Mr. Abboud.

The Chair declared the nominations closed.

The Chair appointed Miss Kilgarin, Messrs. Clark, and Jacobson as tellers.

R. Johnson	28
Abboud	21
	49

Mr. R. Johnson was duly elected Chairperson of Enrollment and Review Committee.

MOTION - Election Returns

Mr. L. Johnson moved that 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 1982.

The motion prevailed.

The Chair appointed Messrs. L. Johnson, Abboud, and Hannibal to serve on said Committee.

EASE

The Legislature was at ease from 2:10 p.m. until 2:11 p.m.

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

January 5, 1983

Speaker of the Legislature
Eighty-eighth Legislature,
First Session (Regular) 1983
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 2, 1982, for the offices of Governor, Lieutenant-Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, Members 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 1978 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 2, 1982, which constitutes a part of the official record of the State Board of Canvassers, are submitted for your examination.

In as much 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

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct list of the candidates for the offices of Governor, Lieutenant-Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, Members 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 2, 1982.

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

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

(Signed) ALLEN J. BEERMANN
Secretary of State
(Signed) Ralph Englert, Deputy

(SEAL)

STATE OFFICIALS ELECTED
AT THE 1982 GENERAL ELECTION

Governor	Robert Kerrey
Lieutenant-Governor	Donald F. McGinley
Secretary of State	Allen J. Beermann
Auditor of Public Accounts	Ray A. C. Johnson
Attorney General	Paul L. Douglas
State Treasurer	Kay A. Orr
Public Service Commission (First District)	Harold D. Simpson
Public Service Commission (Third District)	Duane Gay
Regent, University of Nebraska (Third District)	Margaret Robinson
Regent, University of Nebraska (Fourth District)	Nancy Hoch
Regent, University of Nebraska (Fifth District)	Robert R. Koefoot
Regent, University of Nebraska (Eighth District)	James H. Moylan
State Board of Education (Fifth District)	Bill Marshall
State Board of Education (Sixth District)	Fred A. Lockwood
State Board of Education (Seventh District)	Daniel G. Urwiller
State Board of Education (Eighth District)	William C. Ramsey

The Secretary of State was escorted from the Chamber.

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

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

MOTION - Notify Governor

Mr. H. Peterson moved that 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.

The Chair appointed Messrs. Nichol, V. Johnson, Warner, Schmit, and DeCamp to serve on said committee.

The Committee reported that Governor Thone had no message for the Legislature.

MOTION - Inaugural Ceremonies

Mr. Fowler moved to arrange to hold the inaugural ceremonies for the newly elected State officials on Thursday, January 6, 1983 at 2 p.m.

The motion prevailed.

MOTION - Bills & Journals

Mr. Kahle moved to 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.

ANNOUNCEMENTS

Mr. Chronister announced the Committee on Committees will meet at 4:30 p.m. today in room 1520.

The Unicameral Club will meet upon adjournment in room 2102.

VISITORS

Visitors to the Chamber were Mr. Ken Morehead, Mr. Everett R. Jones, Virginia Eickhoff (Mrs. Neal), Leigh Ann Eickhoff, and Amy Beth Eickhoff.

ADJOURNMENT

At 2:22 p.m., on a motion by Speaker Nichol, the Legislature adjourned until 9:30 a.m., Thursday, January 6, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

SECOND DAY - JANUARY 6, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 6, 1983

Pursuant to adjournment, the Legislature met at 9:34 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Senator H. Peterson.

ROLL CALL

The roll was called and all members were present except Mr. Haberman who was excused; and Messrs. V. Johnson, Newell, and Sieck who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the First Day was approved.

MOTION - Adopt Rules

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

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

MESSAGES FROM THE GOVERNOR

May 20, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I

have made the following appointments to the Board of Public Roads Classifications and Standards, requiring legislative confirmation:

Reappointments:

David O. Coolidge, Director, Department of Roads, Box 94759, Lincoln 68509;

Heasty W. Reesman, 2023 Barada, Falls City 68355;

Marvin Athey, Imperial 69033;

Bill Lindholm, 942 West 11th, Wahoo 68066;

Appointments:

Lillian Haggart, St. Paul 68873, succeeding Diane Glass, resigned;

Richard Erixson, Public Works Director, City of Lincoln, 555 South 10th, Lincoln 68508, succeeding D. J. Erington, ineligible.

These appointments, all expiring November 3, 1983, are respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: All appointees
Accountability and Disclosure Commission
Board of Public Roads and Classifications

May 20, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the State Board of Health, requiring legislative confirmation:

Dr. Wade Nyquist, West Point 68788, term expiring September 14, 1982, succeeding Dr. W. J. Higgins, term expired;

Bob Rohling, 5501 Harney, Omaha 68132, term expiring September 14, 1982, succeeding John E. Olson, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Dr. Wade Nyquist
Bob Rohling
Accountability and Disclosure Commission
State Board of Health

June 8, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Highway Commission requiring legislative confirmation:

George Arlen (Shorty) Miles, O'Neill, NE 68763, term expiring September 14, 1983, succeeding Ben Meckel, deceased.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mhbl
cc: George Arlen (Shorty) Miles
Accountability and Disclosure Comm.
State Highway Commission
DAS Accounting

June 8, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State College Board requiring legislative confirmation:

John G. (Shot) Lowe III, 2004 Central Avenue, Kearney 68847, term expiring January 1, 1983, replacing Dave Martin, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mhb
cc: John G. (Shot) Lowe III
Accountability and Disclosure Comm.
State College Board
DAS Accounting

June 8, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Personnel Board, requiring legislative confirmation:

Bruce Peters, 2319 E. Military, Fremont, 68025, term expiring August 4, 1986, reappointed.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mhb
cc: Bruce Peters
Accountability and Disclosure Commission
Department of Personnel
DAS Accounting

June 8, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Agricultural Products Industrial Utilization (Gasohol) Committee, requiring legislative confirmation:

William A. Metzger, Route 1, Louisville, NE 68037, term expiring July 1, 1985, replaces Doris Royal, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mhb
cc: William A. Metzger
Accountability and Disclosure Commission
Gasohol Committee
DAS Accounting

June 10, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Power Review Board, requiring legislative confirmation:

Dale A. Thomas, 400 Executive Building, Lincoln, Nebraska 68508, term expiring January 1, 1986, succeeding B. J. Friedrichsen, term expired.

Don Hyde, 127 North First, Norfolk, Nebraska 68701, term expiring January 1, 1986, succeeding John Shoemaker, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:bb
cc: Dale A. Thomas
Don Hyde
Accountability and Disclosure
Power Review Board
DAS Accounting

June 15, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Board of Public Roads Classifications and Standards, requiring legislative confirmation:

Vera Christensen, 530 East 5th, Minden, 68951, term expiring November 3, 1983, replacing Lillian Haggart, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:ptb
cc: Vera Christensen
Accountability and Disclosure
DAS Accounting
Department of Roads

June 28, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Board of Health, requiring legislative confirmation:

Dr. Robert J. Hilkemann, West Maple Professional Park, 2808 North 75th Street, Suite B, Omaha, NE 68134, succeeding Daniel A. Rietz, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:bb

June 28, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Public Employees Retirement Board, requiring legislative confirmation:

T. J. (Tom) Lynch, Mutual of Omaha, Dodge at 33rd Street, Omaha 68137, succeeding Margaret Edholm, resigned.

Everett Green, 2706 South 35th, Lincoln 68506, succeeding Ron Elmshauser, term expired.

Harold Salter, 621 South 45th, Lincoln, NE, succeeding Phil Kaldahl, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:bb

July 26, 1982

Mr. President, Mr. Speaker and

Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Board of Parole requiring legislative confirmation:

Marj Marlette, 640 South 52nd Street, Lincoln, Nebraska 68510, succeeding Eugene Neal, resigned.

This appointment is submitted respectfully for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:bb

August 11, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Foster Care Review Board, requiring legislative confirmation:

Milton Evans, 5310 Madison, Lincoln 68504, new appointment.
Elsie Barrett, 505 W. 17th, Lexington 68850, new appointment.
Mrs. Dwight Burney, Polk 68654, new appointment.
Nancy O'Brien, 2833 Sheridan, Lincoln 68502, new appointment.
Dr. John P. Murray, 5607 Leavenworth, Omaha 68106, new appointment.
Mary Jeanne Adams, 308 Ridgewood Drive N. Bellevue 68005, new appointment.
JoAnn LeBaron, 2221 S. Canterbury Lane, Lincoln 68512, new appointment.

These appointments are respectfully submitted for your consideration.

Sincerely,

(Signed) CHARLES THONE
Governor

CT:bb

August 30, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Safety Center Advisory Council, requiring legislative confirmation:

Duane Schmidt, Supervisor, Driver Education, Dept. of Education, State Office Building, Lincoln, reappointment.
Larry Morris, Chief of Administration, Game and Parks Commission, 3300 North 33rd Street, Lincoln, reappointment.
Rollin D. Schnieder, Extension Safety Specialist, University of Nebraska, Lincoln, reappointment.
Jim Preston, 521 South 14th Street, Lincoln, NE, reappointment.
John Ward, Box 431, Albion, reappointment.
Charles Fairbanks, County Sheriff, Courthouse, Grand Island, reappointment.
Ivan Abdouch, 902 Capitol Avenue, Omaha, reappointment.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:bb

September 8, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I

have made the following reappointments to the Manufactured Housing Advisory Board requiring legislative confirmation:

Martin Huff, 2500 W. O Street, Lincoln, NE 68528, reappointment.
Rod Tompkins, 420 Douglas Street, Wayne, NE 68787, reappointment.
Joe Rogers, Permits and Inspection Division, 1819 Farnam, Room 402, Omaha, NE 68183, reappointment.
Tim Lynch, 4801 F Street, Omaha, NE 68117, reappointment.

These reappointments are respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:bb

September 8, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the State Personnel Board requiring legislative confirmation.

David Flebbe, Suite 252, Aquila Court, Omaha, NE 68102, reappointment.

This reappointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:bb

September 16, 1982

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

Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Coordinating Commission for Postsecondary Education, requiring legislative confirmation:

Ramey Whitney, 1482 Fifth, Chappell, (Dist. 3), reappointment.
LeRoy Troffels, 1303 Colfax, Schuyler, 68661 (Dist. 1) replaces Mary Carey, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:bb

September 16, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Nebraska Arts Council, requiring legislative confirmation:

Jody Asmussen, P.O. Box 27, Neligh, NE 68746, reappointment.
Gloria Dinsdale, P.O. Box 38, Palmer, NE 68864, reappointment.
LaVon Crosby, 3720 South 40th, Lincoln, NE 68506, reappointment.
Virginia Parker, 5841 Margo Drive, Lincoln, NE 68510, replaces Dr. Gail Walling, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:bb

September 16, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Investment Council, requiring legislative confirmation:

Barbara S. Huston, P.O. Box 704, Broken Bow, 68222, replaces E. K. Yanney, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:bb

September 16, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Environmental Control Council, requiring legislative confirmation:

Leonard Schaefer, P.O. Box 34327, Omaha, NE 68134, replaces Robert Parker, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:bb

September 30, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Political Accountability and Disclosure Commission requiring legislative confirmation:

Pat Morocco, 12729 Martha Street, Omaha, NE 68144, replaces James M. Davis, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:bb

November 10, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Accountability and Disclosure Commission, requiring legislative confirmation:

Miles Johnston, Jr., 202 South 11th Street, Suite 203, Lincoln, Nebraska 68508, replaces Ray Simmons, resigned.

This appointment is submitted respectfully for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:ptb

November 22, 1982

Mr. President, Mr. Speaker and
Members of the Legislature

State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Crime Victims Reparation Board, requiring legislative confirmation:

Marilyn Bath, RFD 2, Auburn, NE 68305, reappointment.

This appointment is submitted respectfully for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:bb

November 22, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Oil and Gas Conservation Commission, requiring legislative confirmation:

Terrence D. Malcom, P.O. Box 100, 124 West C Street, McCook, NE 69001, replaces Mike Carr, resigned.

Thank you for your consideration of this appointment.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:bb

November 29, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Advisory Committee on Public Welfare, Institution and Corrections, requiring legislative confirmation:

The Honorable Ron Cope, 312 W. Lakeshore Drive, Kearney, Nebraska, 68847, replaces John Lainson, term expired.

This appointment is submitted respectfully for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:bb

November 29, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Game and Parks Commission, requiring legislative confirmation:

Neal Keller, Brewster, NE 68821, replaces Shirley Meckel, term expired.

This appointment is submitted respectfully for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:bb

November 29, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Board of Public Roads Classifications and Standards, requiring legislative confirmation:

Joseph W. McNamara, Jr., Attorney at Law, 700 Grain Exchange, 1905 Harney Street, Omaha, NE 68102, replaces Mark Covert, resigned.

This appointment is submitted respectfully for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:bb

November 29, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the State Board of Health, requiring legislative confirmation:

Phyllis Haberman, 436 W. 11th, Imperial, reappointed.

C. Herbert Seberg, DDS, P.O. Box 787, Hastings, reappointed.

Dr. Robert Rosenlof, 17 W. 31st, Kearney, reappointed.

Edward Schlachter, 809 W. 2nd, Hastings 68901, replaces Duane Mines, term expired.

These appointments are submitted respectfully for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:bb

November 29, 1982

Mr. President, Mr. Speaker and

Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Power Review Board, requiring legislative confirmation:

Glenn Wilson, 2161 Cottonwood Drive, Grand Island, NE 68801, reappointment.

Thank you for your consideration of this appointment.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:bb

November 29, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Nebraska Arts Council, requiring legislative confirmation:

Ida Paxton, Thedford, NE, replaces Jerry Hargitt, term expired.

David Meisenholder, 3140 Cedar Avenue, Lincoln, NE 68502, replaces Dick White, resigned.

Jackie Sampson, 1501 23rd Street, Central City, NE 68826, replaces Gloria Dinsdale, resigned.

Thank you for your consideration of these appointments.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:bb

November 29, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Public Employees Retirement Board, requiring legislative confirmation:

Gretchen Gottschalk, 1905 Yorkshire Court, Lincoln, reappointment.

Lloyd W. Kilmer, 682 South 84th, Omaha, reappointment.

Jane Williams, 2230 Sewell, Lincoln, NE 68502, replaces Charles Morehouse, deceased.

Thank you for your consideration of these appointments.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:bb

November 29, 1982

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

Dear Mr. President and Senators:

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

Brent Stevenson, Vice Chancellor for Business & Finance, University of Nebraska Medical Center, Omaha, Nebraska 68105, replaces John Mitchell, term expired.

Thank you for your consideration of this appointment.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:bb

November 29, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Board of Trustees of Nebraska State Colleges, requiring legislative confirmation:

Ward H. Reesman, 15th and Appleoff, Falls City, NE 68355, reappointment.

John G. (Shot) Lowe, 2004 Central Avenue, Kearney, NE 68847, reappointment.

These appointments are submitted respectfully for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:bb

November 29, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Motor Vehicle Industry Licensing Board, requiring legislative confirmation:

Robert Martin, 11111 "L" Street, Omaha, reappointment

Ted Cannon, 1202 E. 35th, Scottsbluff, reappointment

Roger Cross, 5020 Howard Blvd., Columbus, reappointment

Donald Beltz, B & B Cycle, N. Highway 81, Norfolk, reappointment

Darrell Barnes, 6705 Railroad Avenue, Omaha, NE 68107, replaces Hubert Monsky, term expired.

These appointments are submitted respectfully for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:bb

December 21, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Board of Parole, requiring legislative confirmation:

Linda Jaeckel, 8321 South Street, Lincoln, Nebraska 68506, reappointment.

This reappointment is submitted respectfully for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:ptb

December 23, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Environmental Control Council, requiring legislative confirmation:

Gretchen Hirshback, Dakota County Board of Commissioners, P.O. Box 217A, South Sioux City, NE 68776, replaces Ted Regier, resigned.

This appointment is submitted respectfully for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:ptb

December 27, 1982

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Environmental Control Council, requiring legislative confirmation:

Shirley J. Howell, Mayor, City of Fairbury, Fairbury, NE 68352, replaces Harold Kirkpatrick, resigned.

This appointment is submitted respectfully for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:bb

ATTORNEY GENERAL'S OPINIONS

November 19, 1982

Re: Application of Neb.Rev.Stat §71-1342 (Supp. 1982)

Dear Senator Hoagland:

You have asked whether persons who sell personal property which has as its sole use the burial of deceased human remains are required to escrow the proceeds of such sales as provided in Neb.Rev.Stat. §71-1342 (Supp. 1982). If not, you may want to consider new legislation to cover such sales.

Section 71-1342 provides in part:

> Whenever any person . . . makes an agreement with a funeral director, funeral firm, cemetery organization, or any person or organization . . . for the final disposition of the body of a person . . . wherein the use of personal property, under a prearranged funeral plan . . . , all payments made under the agreement, including interest and dividends, if any, shall be and remain trust funds until occurrence of the death of the potential decedent, unless the funds are sooner released upon demand to the depositor [buyer], after written notice to the beneficiary [seller].

(Emphasis added.) There is an exemption in subsection (e) for certain real and personal property, if delivered, and for prepayment of cremation or interment fees. This is discussed in our recent letter to the Department of Health, a copy of which is attached.

A "prearranged funeral plan" is not defined in the statute so it is to be given its usual and ordinary meaning. Ragland v. Norris Public Power Dist., 208 Neb. 492, 304 N.W.2d 55 (1981). The Nebraska Supreme Court has not defined the term, but The American Heritage Dictionary of the English Language defines each word separately. "Prearranged" means to plan or prepare for or to agree about at an earlier or prior time. A "plan" is a detailed scheme, program or method worked out beforehand for the accomplishment of an object. A "funeral" is the ceremonies held in connection with the burial or cremation of the dead.

Elements of a funeral were identified in Caswell v. Harry Miller Excavating Company, et al., 246 N.E.2d 921 (Ohio 1969), when the court had to determine whether given expenses were allowable as "funeral expenses." Elements identified were embalming, purchase of a coffin, burial or cremation, customary rites or ceremonies attendant on disposition of remains, burial lots and vaults, and reasonable expenditures for flowers and a tombstone or marker. Supra at 924.

An Oklahoma statute did define a "prearranged funeral service or plan for any person" in a statute prohibiting any licensed funeral home from acting as the principal in any contract for such a plan, i.e., "any funeral service or plan which is arranged, planned, or determined prior to the demise of the person" for whom the funeral service is to be performed. "Funeral service" was not defined.

That statute was interpreted in State ex rel. Oklahoma Board of Embalmers and Funeral Directors, et al., v. Guardian Funeral Home, 429 P.2d 732, (Oklahoma 1967). The court held that the funeral home had not violated that statute by entering into a contract whereby for

$36.00 the funeral home agreed that on the death of the purchaser or anyone for whom she was legally or morally responsible it would furnish a standard funeral service and merchandise at a price not to exceed cost plus 10 percent. The court found such a plan was not a prearranged funeral service or plan because there was "no provision regarding selection and agreement as to the funeral merchandise (casket and accessories), or disposition of the remains, or as to any other parts of the service, and no agreement as to price (as distinguished from a very general method of determining the amount of charge.)" Supra, at 735.

From the above we have concluded that when a buyer enters an agreement with any person or organization for furnishing at an agreed price any of the personal property or services associated with a funeral for the disposition of the body of a person not yet deceased, except delivered property and services itemized in Neb.Rev.Stat. §71-1342(1)(e), any payment made by the buyer must go into an escrow fund as provided in Neb.Rev.Stat. §71-1342(2) (Supp. 1982).

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

MBH:cw
Enc.
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 288
November 24, 1982

Dear Senator DeCamp:

You have submitted a legislative proposal which would base state aid to counties, municipalities, and natural resources districts entirely on population, as determined by the latest federal census. You say that this would lock the population statistics upon which the formula relies at a figure representing population as it existed in 1980, which could not be changed until the 1990 census is completed. You ask whether such a formula would clash with the prohibition against closed classification, and call our attention to State ex rel. Douglas v.Marsh, 207 Neb. 598, 300 N.W.2d 181 (1980).

We believe there are two answers to the problems you present. First, we think it is by no means certain that no changes in the figures can be made before the 1990 census. Your proposed legislation speaks of "the latest federal census," not "the latest decennial federal census." A special census of a particular locality is authorized by 13 U.S.C. 8. If

a particular political subdivision felt that its population had grown, it could get such a special census, and our court might well permit its use.

We have discussed a similar question in at least two opinions, Report of the Attorney General 1965-66, No. 184, and Report of the Attorney General 1969-70, No. 7. In the latter opinion we pointed out that our court had not decided the question, and cited diametrically opposed opinions from Arizona and Wyoming. We felt that the case most nearly in point was the Arizona case, City of Bisbee v. Williams, 83 Ariz. 141, 317 P.2d 567 (1957). That case involved a distribution of a certain percentage of a tax to municipalities in proportion to their population, as shown by the most recent federal census. In permitting use of a special census, the court said:

> While the desirability of the utilization by the state treasurer of a fixed base, such as the most recent decennial census, in his allocations to the several municipalities of the state of their proportion of this tax is apparent, we cannot substitute our judgment for that of the people who adopted this initiated measure and say as a matter of law that the "most recent" census must mean the "most recent decennial" census. Had it been intended that only the decennial census be utilized, it would have been very easy for the framers of the legislation to have said so.

In our Opinion No. 7 we pointed out that §66-424.01 (which has since been repealed), provided for the use of "the most recent decennial census," and felt that the use of different language in another statute manifested an intent that a different result should be reached. We point out that the term "decennial census" is used in Neb.Rev.Stat. §8-116 (Supp. 1982), §32-4,147 (Reissue 1978), §54-614 (Reissue 1978), §70-610 (Supp. 1982), §79-902.01 (Supp. 1982), §79-1003 (Supp. 1982), and §79-2646.01 (Reissue 1981). Failure to use that term in the bill you present would indicate an intent to authorize use of other than decennial censuses.

In Pelzer v. City of Bellevue, 198 Neb. 19, 251 N.W.2d 662 (1977), the court cited City of Bisbee v. Williams, in holding that the "most recent federal census" referred to the most recent federal census available to the community, either the regular decennial one or a special census. We therefore feel that it is at least doubtful that it can be said, as a matter of law, that no change could be made in the allocation until the release of the next decennial census.

Even if the court should hold that only the decennial census can be used, we do not believe that State ex rel. Douglas v. Marsh, supra, would prohibit it. The classification involved in that case was permanently frozen. The cases we have read with respect to frozen classification have dealt with legislation that made no provision for changes in the future. That is not the case with respect to the legislation you inquire about, even if "latest federal census" were construed to mean "latest federal decennial census."

Population is a very common basis for classification, and it has always been upheld, if it has any relevance to the purpose of the

legislation. All cities and villages in the state are classified according to population. Article III, Section 5 of the Nebraska Constitution requires the legislative districts to be established after each federal decennial census. Congressional districts are, of course, fixed until the next decennial census.

We are not suggesting that the court might not strike down legislation which froze classification less than permanently. It is a question of reasonableness, and probably each situation must be judged in view of its own peculiar circumstances, and movement from one class to another permitted as often as circumstances reasonably permit.

Population has regularly been used, by this and other states, for distribution of state aid to political subdivisions. We do not believe any constitutional attacks have been made on this method, even if only decennial censuses are used.

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

RHG/cmb/w6
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 290
December 14, 1982

Dear Senator Goll:

This is in reply to your inquiry concerning the constitutionality of a proposed bill relating to guardianships which you state you are considering introducing in the 1983 Legislative Session.

You have asked for our opinion as to the constitutionality of the proposal.

It is a well established rule of construction, stated by the Supreme Court of Nebraska in Anderson v. Carlson, 171 Neb. 741, 107 N.W.2d 535 (1961) that: "The constitutionality of a law is to be tested by what the act authorizes and what may be accomplished by it." Stated another way, "the constitutionality of a legislative act is determined, not from what has been done under it, but from what may be done under it." State v.Cavitt, 182 Neb. 712, 157 N.W.2d 171 (1968).

Your proposed bill under Section 1, would authorize the appointment of a temporary guardian for a person 18 or more years of age who has undergone "a substantial behavioral change" and "lacks substantial capacity to make independent and informed decisions" if: It could reasonably be expected to result from exposure to a systematic

course of coercive persuasion which undermines a person's capacity to make informed or independent judgments, and the person conducting the course of persuasion regularly and systematically commits deceitful acts with respect to the nature of the activities in which one will participate with the person, and the deceitful acts could reasonably be expected to have mislead the person on whom practiced regarding the nature of the activities.

The foregoing paragraph is a summation of only a part of the alternatives authorized by the act for the appointment of a guardian over a person 18 years of age or older.

Under Section 2 of the proposal, if a temporary guardian is appointed, a plan shall be established which must be under the supervision of a licensed psychologist, a psychiatrist or social worker with at least three years clinical experience in an area of mental health. The order could be in force for a total period of 75 days. There is no question but that the liberty of the person under the order may be infringed.

Section 3 provides that in determining whether a person has undergone a substantial behavioral change which would warrant the appointment of a guardian, the court may consider, among others:

(a) Abrupt and drastic alteration of basic values and lifestyle;

(b) Blunted emotional responses;

(c) Regression to child-like levels of behavior;

(d) Physical changes, including, drastic weight change, cessation of menstruation, diminished rate of facial hair growth, and cessation of perspiration.

In determining whether a systematic course of coercive persuasion exists which would warrant the appointment of a guardian under the act, the court may consider, among others:

(1) Isolation from family and friends;

(2) Control over information and channels of communications;

(3) Physical debilitation through such means as sleep deprivation, inadequate diet, unreasonably long work hours, or inadequate medical care.

While the act undoubtedly encompasses the circumstances which you desire to control and remedy by this legislation, which we have no doubt, are prompted by laudable motives, that is not the test; the language is so broad that it could be construed to authorize the limitation of other activities and callings, which, although they may not accord with the views of the majority, may nevertheless be recognized as activities which are proper to engage in without interference under the recognized freedoms under our state and federal Constitutions.

For example, there are undoubtedly many religious groups whose practices could be found by a county court to come within the broad language of your proposal authorizing the appointment

of a guardian over an adult member of one of such religious groups.

In Meyer v. Nebraska, the United States Supreme Court was called upon to examine legislation which prohibited the teaching in a private, parochial or public school any subject in any language other than English and permitted the teaching of other languages than English, only after a pupil had successfully passed the eighth grade. The United States Supreme Court stated in regard thereto:

> While this court has not attempted to define with exactness the liberty thus guaranteed [by the Fourteenth Amendment], the term has received much consideration, and some of the included things have been definitely stated. Without doubt, it denotes not merely freedom from bodily restraint, but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, establish a home and bring up children, to worship God according to the dictates of his own conscience, and, generally, to enjoy those privileges long recognized at common law as essential to the orderly pursuit of happiness by free men.

Id. at 399. (Emphasis added.)

In the case of Pierce v. Society of Sisters of Holy Names, 268 U.S. 510 (1924) the Supreme Court of the United States was called upon to examine a compulsory attendance law of Oregon, which required every child between the ages of 8 and 16 years to attend a public school for the period of time held during the current year.

Some of the religious organizations of the day, which also conducted schools, brought an action to test the constitutionality of the act. While the court recognized the power of the state to reasonably regulate all schools, it said that the state could not cause the closing or destruction of private schools which were otherwise in compliance. In arriving at this decision the court stated:

> Under the doctrine of Meyer v. Nebraska, 262 U.S. 390, 67 L.ed. 1042, 29 A.L.R. 1446, Sup.Ct.Rep. 625, we think it entirely plain that the Act of 1922 unreasonably interferes with the liberty of parents and guardians to direct the upbringing and education of children under their control. As often heretofore pointed out, rights guaranteed by the Constitution may not be abridged by legislation which has no reasonable relation to some purpose within the competency of the state. The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only.

Id. at 534-535. (Emphasis added.)

When the divergent views and practices are considered of each individual claiming to be worshipping God "according to the dictates of his own conscience" within such known groups in this country as the many Christian denominations, Islam, Judaism, agnostics and Buddhism, only to mention some, it is obvious that there could be a

wide range of opinion and viewpoint as to whether someone lacks "substantial capacity to make independent and informed decisions" or "to understand a person's conduct" or what constitutes "coercive persuasion" or "deceitful acts"-- to merely highlight a few of the key words from your proposal.

There are undoubtedly other callings or practices in the field of education, recreation, leisure time, and other areas which could be said to come within the terms of said proposal which have been recognized as forms of protected liberty within the meaning of the Constitution.

Like the provision of the Fourteenth Amendment considered by the United States Supreme Court in Meyer v. Nebraska, supra, the Nebraska Constitution carries similar language in Article I, Section 3. The Supreme Court of Nebraska has likewise relied upon the authority of both Pierce v. Society of Sisters of Holy Names, supra and Meyer v. Nebraska, supra.

For the foregoing reasons, we are of the opinion that we would have difficulty defending the constitutionality of your proposal described herein.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK/cmb/t4
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 291
December 14, 1982

Dear Senator Nichol:

This is in response to your letter of November 8, 1982, in which you state that you are preparing legislation to clarify Nebraska Revised Statute, Section 70-655. In that letter you ask whether Nebraska Public Power District (NPPD) has statutory authority to charge different rates among cities within the District, depending upon whether or not capitol improvements are made to the particular city's electrical distribution system.

We have concluded that NPPD could, under Neb.Rev.Stat. §70-655 (Reissue 1981), vary its rates among cities within the District if there is a just and reasonable basis for doing so.

Neb.Rev.Stat. §70-655 (Reissue 1981) provides that:

> The board of directors of any district organized under or subject to Chapter 70, article 6, shall have the power and be required to fix, establish, and collect adequate rates, tolls, rents,

and other charges, for electrical energy, water service, water storage, and for any and all other commodities, services, or facilities sold, furnished, or supplied by the district, which rates, tolls, rents, and charges shall be fair, reasonable, nondiscriminatory, and so adjusted as in a fair and equitable manner to confer upon and distribute among the users and consumers of commodities and services furnished or sold by the district the benefits of a successful and profitable operation and conduct of the business of the district.

Although §70-655 requires rates to be "nondiscriminatory," that statute would not absolutely prohibit variable rates among different users, or consumers, within the Nebraska Public Power District.

As our Supreme Court pointed out in the case of Erickson v. Metro Utilities District, 171 Neb. 654, 107 N.W.2d 324 (1961):

"[T]hose engaged in serving the public cannot make unreasonable and unjust discrimination, either in service or rates, among their patrons.

Discriminations between patrons by a public service company, including discriminations as to rates, are invalid, provided the discrimination is an unjust one. . . ."

The charges must be equal to all for the same service under like circumstances.

The public duty of a municipal corporation is to furnish a service at reasonable rates to all the inhabitants of the municipal corporation, and to charge each inhabitant the same price it charges every other inhabitant for the same service under the same or similar conditions. American Water Works Company v. State ex rel. Walker, 46 Neb. 194 (1895).

Of course, whether or not cities within the district are sufficiently dissimilar with respect to their power requirements to justify a selective rate, or classification, by NPPD is subject to a case-by-case determination. Nevertheless, such classification would be permissible under the circumstances described above, and under §70-655.

Until such time as we might have an opportunity to review legislation which you may propose pertaining to the herein matter, we are unable to comment regarding the constitutional sufficiency of such legislation, or to determine whether such legislation conflicts with §70-655.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Frank J. Hutfless
Assistant Attorney General

FJH:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1982 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Tri-Basin	
Anderson, Strasburger, Klein, Peterson & Swan	140.00
Nebraska Association Resources District	160.00
Middle Republican	
Fred J. Schroeder	50.00
Stephen P. Herman	180.00
Upper Niobrara-White	
None	
Upper Republican	
Attorneys	5,017.10
South Platte	
Van Steenberg, Myers & Burke	10,754.87
Central Platte	
Cook & Kopf, P.C.	46,479.06
James I. Shamberg	1,043.60
Lower Platte South	
Attorneys	19,368.52
Middle Niobrara	
Quigley, Dill & Quigley	15.00
Crosby, Genzel, Davis, Kessner, & Kuester	47.50
Crosby, Genzel, Davis, Kessner, & Kuester	38.00
Lewis and Clark	
James Sheldon	3345.00
Upper Elkhorn	
Attorneys	541.00
Lobbyists	2170.00
Public Relations Representatives	2175.00
Twin Platte	
Jess C. Nielsen Law Offices	7782.00
Cook and Kopf, P.C.	1790.00
Lobbyists	
Kent O. Miller	76.38

COMMUNICATIONS

Received copy of Senate Joint Resolution No. 67 from the State of California regarding the 195th Anniversary of the United States Constitution.

Received copy of Resolution No. 28 from the County Board of York County in regard to LB 816, 1982 Laws, State Aid to Political Subdivisions.

Received Resolution from the State of Indiana declaring the third Saturday of June each year as "American Unity Day."

REPORTS

The following reports were received by the Legislature:

Report from the Nebraska Department of Roads of the Nebraska Highway Program for Fiscal Years 1983-1988.

Statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund for the calendar months of October and November, 1982 from the Nebraska Department of Roads in compliance with Section 66-476, R.S. Supp. 1980.

Quarterly Report from the Nebraska Department of Roads for the Nebraska State Highway Commission as of September 30, 1982.

Third quarter report from the Nebraska Energy Office in accordance with Section 81-1606 RSN (1980).

Report by the Performance Review and Audit Committee in compliance with Section 81-1,101 for the following: Nebraska Accountability and Disclosure Commission, Nebraska Real Estate Commission, Abstracters Board of Examiners, Board of Examiners for Professional Engineers and Architects, State Board of Landscape Architects, Board of Examiners for Land Surveyors, State Board of Public Accountancy, Nebraska Collection Agency Board.

Audit Report from the Auditor of Public Accounts for the year ending June 30, 1982.

Progress report of State Affirmative Action Program pursuant to Laws 1979, LB 500: Section 81-1355 through 81-1368 R.R.S. 1943 for calendar 1982.

Annual Fiscal Report from Department of Administrative Services, Accounting Division pursuant to Section 81-1125.01, R.R.S. 1943.

1982 Salary Survey from the Nebraska Department of Personnel

pursuant to Sections 81-1335 and 81-1337.

Fortieth Annual Report from the Nebraska Workmen's Compensation Court in accordance with the provisions and requirements of Section 48-166, Reissue Revised Statutes of Nebraska, 1943.

Report from the Natural Resources Commission on Water Rights Adjudication in accordance with Section 2-3287, R.S. Supp. 1981.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1. By Lamb, 43rd District.
This bill introduced on behalf of: Executive Board.

A BILL FOR AN ACT relating to obsolete statutes; to repeal sections 1-128, 1-129, 2-119 to 2-124, 2-129, 2-130, 2-1580, 19-3601, and 28-1336 to 28-1342, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1581 and 2-1582, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 2. By Lamb, 43rd District.
This bill introduced on behalf of: Executive Board.

A BILL FOR AN ACT to amend section 33-125, Revised Statutes Supplement, 1982; to change a fee; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 3. By Lamb, 43rd District.
This bill introduced on behalf of: Executive Board.

A BILL FOR AN ACT to amend section 84-712.04, Reissue Revised Statutes of Nebraska, 1943, relating to public records; to correct an internal reference; to clarify certain language; and to repeal the original section.

LEGISLATIVE BILL 4. By Haberman, 44th District.
This bill introduced on behalf of: Citizens of Nebraska.

A BILL FOR AN ACT relating to criminal law; to amend sections 28-1205 and 29-2221, Reissue Revised Statutes of Nebraska, 1943; to make persons charged with using firearms to commit or attempt to commit a felony ineligible for pretrial diversion; to change provisions relating to judgment on conviction, parole, and mandatory release from confinement; to change certain provisions relating to imprisonment of habitual criminals; to define terms; to prohibit plea

bargaining as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 5. By Haberman, 44th District.
This bill introduced on behalf of: Citizens of Nebraska.

A BILL FOR AN ACT relating to criminal law; to amend sections 28-1205 and 29-2221, Reissue Revised Statutes of Nebraska, 1943; to make persons charged with using firearms to commit a felony ineligible for pretrial diversion; to change provisions relating to judgment on conviction, parole, and mandatory release from confinement; to change certain provisions relating to imprisonment of habitual criminals; to define terms; to prohibit plea bargaining as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 6. By Haberman, 44th District.
This bill introduced on behalf of: School children.

A BILL FOR AN ACT to amend sections 79-1302 and 79-1304, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change the manner of apportioning the state school fund; and to repeal the original sections.

LEGISLATIVE BILL 7. By Haberman, 44th District.
This bill introduced on behalf of: Equality for all Schools.

A BILL FOR AN ACT to amend section 79-1287, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Teachers' Professional Negotiations Act; to change the application of such act; and to repeal the original section.

LEGISLATIVE BILL 8. By Haberman, 44th District.
This bill introduced on behalf of: Nebraska taxpayers.

A BILL FOR AN ACT relating to prisoners; to allow work on community service related projects for cities and counties as prescribed; to provide duties; and to define a term.

LEGISLATIVE BILL 9. By Kahle, 37th District.
This bill introduced on behalf of: Youth development centers.

A BILL FOR AN ACT to amend section 79-1254.09, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to contracts of employment; and to repeal the original section.

LEGISLATIVE BILL 10. By Kahle, 37th District.
This bill introduced on behalf of: County officials.

A BILL FOR AN ACT relating to the Political Subdivisions Tort

Claims Act; to amend sections 23-2410, 23-2411, 39-2124, and 39-2125, Reissue Revised Statutes of Nebraska, 1943, and sections 39-2103, 39-2105, 39-2109, and 39-2113, Revised Statutes Supplement, 1982; to define minimum maintenance roads and detail their applicability to the Political Subdivisions Tort Claims Act; and to repeal the original sections.

LEGISLATIVE BILL 11. By Carsten, 2nd District.
This bill introduced on behalf of: Nebraska power industry.

A BILL FOR AN ACT to amend sections 70-631 and 70-633, Reissue Revised Statutes of Nebraska, 1943, relating to the indebtedness of public power and irrigation districts; to change the ability of a public power or irrigation district to secure notes; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 12. By DeCamp, 40th District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT to amend sections 77-2702 and 77-2703, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2704, 77-2715, and 77-2715.01, Revised Statutes Supplement, 1982, relating to revenue and taxation; to provide a sales tax on services; to define a term; to provide sales and use tax exemptions for food and utilities as prescribed; to harmonize provisions; to change provisions relating to the setting of tax rates; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 13. By Kilgarin, 7th District; Beutler, 28th District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT relating to courts; to amend sections 7-111, 14-603, 14-604, 15-326, 24-209, 24-501, 24-515, 24-517, 24-521, 24-526, 24-536, 24-568, 24-585, 24-585.01, 24-591, 24-701, 24-714, 24-729, 24-733, 25-1093.01, 26-1,172, 26-1,173, 26-1,178, 26-1,180, 26-1,182, 26-1,183, 27-1101, 29-103, 29-301, 29-302.01, 29-302.02, 29-403, 29-611, 29-613 to 29-615, 29-901.05, 29-902.01, 29-910, 29-1804.14, 29-2246, 29-2253, 29-2271, 29-2317, 29-2318, 29-2704, 32-421.01, 49-502, 49-801, 76-1409, and 76-1441, Reissue Revised Statutes of Nebraska, 1943, and sections 24-503, 24-524, 24-525, 24-541.01 to 24-541.07, 24-541.09, 24-583, 24-703, 25-1002, 25-1010, 25-1641, 29-812, 29-2252, 29-3302, 33-138, 33-139, 43-247, 43-2,113, 43-2,123, 43-2,124, 44-1627, and 49-617, Revised Statutes Supplement, 1982; to eliminate municipal courts; to provide for additional county judges as prescribed; to transfer equipment, property, and personnel from municipal courts to county courts as prescribed; to provide duties; to define terms; to provide for the transfer of juvenile and municipal court probation positions to the Office of Probation Administration;

to change membership on a committee; to change provisions relating to appointment of associate judges as prescribed; to harmonize provisions; to provide operative dates; to provide severability; and to repeal the original sections, and also sections 24-529, 24-703.01, 26-101, 26-102, 26-102.01 to 26-102.03, 26-103 to 26-105, 26-107, 26-108 to 26-111, 26-113, 26-114, 26-116, 26-117, 26-118, 26-119, 26-120, 26-122, 26-1,202, 26-1,203, 29-2209, 29-2215, 29-2216, and 29-2255, Reissue Revised Statutes of Nebraska, 1943, and sections 26-106, 26-112, and 29-2219, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 14. By Kilgarin, 7th District.
This bill introduced on behalf of: Working Parents.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1982, relating to income tax; to authorize a credit; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 15. By Kilgarin, 7th District.
This bill introduced on behalf of: Retired Employees.

A BILL FOR AN ACT to amend section 70-619, Revised Statutes Supplement, 1982, relating to public power; to change provisions relating to eligibility for membership on the public power district's board of directors; and to repeal the original section.

LEGISLATIVE BILL 16. By Kilgarin, 7th District.
This bill introduced on behalf of: Public Employees.

A BILL FOR AN ACT to amend section 84-1307, Reissue Revised Statutes of Nebraska, 1943, relating to state employees retirement; to allow additional membership; and to repeal the original section.

LEGISLATIVE BILL 17. By Kilgarin, 7th District.
This bill introduced on behalf of: South Omaha Stockyards.

A BILL FOR AN ACT to amend section 77-2702, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to redefine certain terms as prescribed; and to repeal the original section.

LEGISLATIVE BILL 18. By Kilgarin, 7th District.
This bill introduced on behalf of: Nebraska Families.

A BILL FOR AN ACT to amend sections 48-125, 48-152, 48-156, 48-162, 48-172, and 48-179, Reissue Revised Statutes of Nebraska, 1943, and section 48-153, Revised Statutes Supplement, 1982, relating to workmen's compensation; to change provisions relating to the procedure for payment of awards; to change provisions relating to attorney's fees; to increase the number of judges of the Nebraska

Workmen's Compensation Court; to provide for additional powers; to allow certain costs as prescribed; to change provisions relating to the rehearing procedure; and to repeal the original sections.

LEGISLATIVE BILL 19. By Kahle, 37th District; R. Peterson, 21st District; Remmers, 1st District; Pappas, 42nd District; Sieck, 24th District; Chronister, 18th District; Goll, 16th District; Carsten, 2nd District; H. Peterson, 35th District; R. Johnson, 34th District; Hefner, 19th District; Lamb, 43rd District; Barrett, 39th District.
This bill introduced on behalf of: Livestock feeders.

A BILL FOR AN ACT to adopt the Nebraska Beef Industry Development Act; to amend section 54-137.01, Reissue Revised Statutes of Nebraska, 1943; to create a cash fund; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 20. By Schmit, 23rd District.
This bill introduced on behalf of: People of the State of Nebraska.

A BILL FOR AN ACT to amend sections 2-4202, 2-4203, 2-4204, 2-4211, 2-4213, 2-4216, 2-4217, 2-4218, 2-4219, 2-4220, 2-4221, 2-4225, 2-4227, and 2-4235, Revised Statutes Supplement, 1982, relating to natural resources; to change provisions relating to legislative policy; to define and redefine terms; to change provisions relating to the powers, duties, and requirements of a corporation as prescribed; to change provisions relating to the rules and regulations of the corporation; to change provisions relating to the issuance and payment of bonds; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 21. By Schmit, 23rd District.
This bill introduced on behalf of: People of the State of Nebraska.

A BILL FOR AN ACT to amend sections 46-122 and 46-231, Reissue Revised Statutes of Nebraska, 1943, relating to surface water and irrigation; to modify provisions relating to certain water rights; to authorize a change of location or use; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 22. By Wesely, 26th District.
This bill introduced on behalf of: City of Lincoln.

A BILL FOR AN ACT to amend sections 19-4020, 19-4021, 19-4024, 19-4025, 19-4026, 19-4027, 19-4028, 19-4029, 19-4030, 19-4031, 19-4033, and 19-4034, Revised Statutes Supplement, 1982, relating to business improvement districts; to provide definitions; to change provisions relating to special assessments as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 23. By Sieck, 24th District.
This bill introduced on behalf of: Upper Big Blue NRD; Little Blue NRD; and Department of Water Resources.

A BILL FOR AN ACT to amend sections 46-603, 46-661, and 46-662, Reissue Revised Statutes of Nebraska, 1943, and sections 46-602, 46-659, 46-660, and 46-666, Revised Statutes Supplement, 1982, relating to ground water; to change provisions relating to the issuance of and fees for certain well permits; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 24. By Warner, 25th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 37-526, Reissue Revised Statutes of Nebraska, 1943, relating to game and parks; to prohibit the trapping of certain animals as prescribed; and to repeal the original section.

LEGISLATIVE BILL 25. By Warner, 25th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 2-1503.01, 2-1577, 2-3264, 43-611, 43-648, 68-1106, 71-1628, 71-5010, 71-5027, 77-2703, 77-27,132, 77-3523, 77-3525, 79-4,160, 79-4,166, 79-1103.05, 81-1533, 83-1,143.03, and 84-147, Reissue Revised Statutes of Nebraska, 1943, and sections 19-3909, 23-362, 43-646.02, 60-409, 60-409.02, 77-2715.01, 77-27,136, 77-27,137, 79-445, 79-1333, and 79-2651, Revised Statutes Supplement, 1982; to create the Sales Tax Fund, the Sales Tax Refund Fund, and the Driver Education Fund; to provide for the transfer of funds; to provide that certain sales and use tax revenue be deposited in the Sales Tax Fund; to change the fund from which certain appropriations are made; to provide duties; to provide for refunds; to harmonize provisions; to eliminate certain refunds; to provide an operative date; to repeal the original sections, and also sections 77-27,149 to 77-27,155, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 26. By Warner, 25th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 77-1343 to 77-1345, 77-1347, and 77-1348, Reissue Revised Statutes, 1943, relating to agricultural lands; to redefine terms; to restrict uses of land zoned as agricultural; to change an application date; to change provisions relating to disqualification; to increase the interest rate charged upon an additional tax and to change the period for which such interest applies; and to repeal the original sections.

LEGISLATIVE BILL 27. By Warner, 25th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 77-2715.01, Revised Statutes Supplement, 1982, relating to revenue and taxation; to change duties of the Board of Equalization and Assessment; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 28. By Warner, 25th District.
This bill introduced on behalf of: a constituent.

A BILL FOR AN ACT relating to safety; to provide for carbon monoxide detection tests for certain equipment and appliances upon request; and to provide a penalty.

LEGISLATIVE BILL 29. By Warner, 25th District.
This bill introduced on behalf of: City of Lincoln.

A BILL FOR AN ACT to amend section 72-215, Reissue Revised Statutes of Nebraska, 1943, relating to public lands; to change provisions relating to school land acquisition; and to repeal the original section.

LEGISLATIVE BILL 30. By Warner, 25th District.
This bill introduced on behalf of: State Board of Agriculture.

A BILL FOR AN ACT to amend section 2-101, Revised Statutes Supplement, 1982, relating to agriculture; to change provisions relating to the annual meeting of the State Board of Agriculture; and to repeal the original section.

LEGISLATIVE BILL 31. By Warner, 25th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 49-1488, Reissue Revised Statutes of Nebraska, 1943, and sections 49-1401 and 49-14,126, Revised Statutes Supplement, 1982, relating to the Nebraska Political Accountability and Disclosure Act; to require certain disclosure statements from lobbyists; to harmonize provisions; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 32. By Warner, 25th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 59-801, 59-802, 59-805, 59-815, and 59-825, Reissue Revised Statutes of Nebraska, 1943,

relating to unlawful restraint of trade; to change penalties; and to repeal the original sections.

LEGISLATIVE BILL 33. By Wagner, 41st District.
This bill introduced on behalf of: Department of Water Resources.

A BILL FOR AN ACT relating to the Department of Water Resources; to provide for special data collection projects; and to create a fund.

LEGISLATIVE BILL 34. By Wagner, 41st District.
This bill introduced on behalf of: Karp and Krow Klub.

A BILL FOR AN ACT relating to game and parks; to provide for disposition of certain animals.

LEGISLATIVE BILL 35. By Wagner, 41st District; H. Peterson, 35th District.
This bill introduced on behalf of: Nebraska Natural Resources Commission and Department of Water Resources.

A BILL FOR AN ACT relating to flood plain management; to provide intent; to define terms; to provide procedures, duties, and authorities for the Nebraska Natural Resources Commission and the Department of Water Resources; and to repeal sections 2-1506.01 to 2-1506.10 and 2-1506.12 to 2-1506.27, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 36. By Wagner, 41st District.
This bill introduced on behalf of: Nebraska Natural Resources Commission.

A BILL FOR AN ACT to amend sections 2-1507, 2-3204, and 2-3228, Reissue Revised Statutes of Nebraska, 1943, and section 2-1504, Revised Statutes Supplement, 1982, relating to natural resources; to modify election procedures and duties of the Natural Resources Commission; to modify powers of natural resources districts; to eliminate obsolete language; and to repeal the original sections and also sections 2-1507.01, 2-1507.02, 2-1529, 2-1571 to 2-1574, and 2-1580, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1581 and 2-1582, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 37. By Wagner, 41st District.
This bill introduced on behalf of: Rudy Kokes for Equitable Representation.

A BILL FOR AN ACT to amend section 2-1504, Revised Statutes Supplement, 1982, relating to the Natural Resources Commission; to eliminate a restriction on membership; and to repeal the original section.

LEGISLATIVE BILL 38. By Wagner, 41st District; Wesely, 26th District; Von Minden, 17th District; Chronister, 18th District; Hefner, 19th District.
This bill introduced on behalf of: Veterans of Nebraska.

A BILL FOR AN ACT to amend section 80-401, Revised Statutes Supplement, 1982, relating to the Nebraska Veterans' Aid Fund; to increase such fund; to provide for appropriations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 39. By Lamb, 43rd District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT to amend section 79-1303, Revised Statutes Supplement, 1982, relating to school funds; to change certain provisions relating to the valuation of school lands; and to repeal the original section.

LEGISLATIVE BILL 40. By Hoagland, 6th District.
This bill introduced on behalf of: The People of the State of Nebraska.

A BILL FOR AN ACT to amend section 28-519, Revised Statutes Supplement, 1982, relating to crimes and punishments; to change provisions relating to criminal mischief; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 41. By Hoagland, 6th District.
This bill introduced on behalf of: The people of the State of Nebraska.

A BILL FOR AN ACT relating to crimes and punishments; to create the offense of ethnic intimidation; to provide for civil actions; and to provide a penalty.

LEGISLATIVE BILL 42. By Hoagland, 6th District.
This bill introduced on behalf of: The people of the State of Nebraska.

A BILL FOR AN ACT relating to paramilitary organizations; to amend sections 55-176 and 55-177, Reissue Revised Statutes of Nebraska, 1943; to define terms; to impose restrictions on paramilitary groups; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 43. By Hogland, 6th District.
This bill introduced on behalf of: The people of the State of Nebraska.

A BILL FOR AN ACT to amend sections 84-1408, 84-1409, 84-1410, 84-1411, 84-1412, and 84-1414, Reissue Revised Statutes of Nebraska, 1943, relating to public meetings; to provide duties for public bodies conducting public meetings; to provide restrictions and remedies; and

to repeal the original sections.

LEGISLATIVE BILL 44. By Hoagland, 6th District.
This bill introduced on behalf of: The taxpayers of Nebraska.

A BILL FOR AN ACT relating to obsolete sections; to repeal sections 79-4,161, 79-4,162, 79-4,164 to 79-4,169, 79-1409, 79-1412, 79-1414, and 83-482, Reissue Revised Statutes of Nebraska, 1943; to repeal provisions relating to school district budgets; to remove the reference to an establishment of a school for the deaf; and to repeal provisions relating to sentencing to the Department of Correctional Services.

LEGISLATIVE BILL 45. By H. Peterson, 35th District.
This bill introduced on behalf of: State of Nebraska.

A BILL FOR AN ACT to amend section 79-1703, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to permit the waiver of certain requirements for nonpublic schools; and to repeal the original section.

LEGISLATIVE BILL 46. By H. Peterson, 35th District.
This bill introduced on behalf of: State of Nebraska.

A BILL FOR AN ACT relating to schools; to amend sections 79-201, 79-1229, 79-1233, and 79-1706, Reissue Revised Statutes of Nebraska, 1943, and section 43-247, Revised Statutes Supplement, 1982; to change the powers and duties of the State Board of Education; to change provisions relating to teachers; to change provisions relating to private schools; to repeal the original sections, and also sections 79-1701 and 79-1705, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 47. By H. Peterson, 35th District; Carsten, 2nd District; Kahle, 37th District; Hefner, 19th District; Newell, 13th District; V. Johnson, 8th District; Wagner, 41st District.
This bill introduced on behalf of: The people of Nebraska.

A BILL FOR AN ACT to amend sections 77-2702 and 77-2703, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to provide a sales tax on services; to define a term; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 48. By Von Minden, 17th District.
This bill introduced on behalf of: people of the State of Nebraska.

A BILL FOR AN ACT to amend section 43-504, Revised Statutes Supplement, 1982, relating to aid to dependent children; to delete the authorization for certain payments; and to repeal the original section.

LEGISLATIVE BILL 49. By Goodrich, 20th District.
This bill introduced on behalf of: Nebraska electric industry.

A BILL FOR AN ACT to amend sections 70-620, 70-620.01, and 70-624.02, Reissue Revised Statutes of Nebraska, 1943, and section 70-624, Revised Statutes Supplement, 1982, relating to public power districts; to change provisions for officers and employees; and to repeal the original sections.

LEGISLATIVE BILL 50. By Labedz, 5th District; Haberman, 44th District; Kilgarin, 7th District; L. Johnson, 15th District; Higgins, 9th District; Remmers, 1st District;, DeCamp, 40th District; Chronister, 18th District.
This bill introduced on behalf of: people of the state of Nebraska.

A BILL FOR AN ACT to amend section 39-6,131, Revised Statutes Supplement, 1982, relating to rules of the road; to allow the use or sale of tires with certain studs or spikes; to harmonize provisions; to repeal the original section, and also sections 39-6,131.01 to 39-6,131.07, Revised Statutes Supplement, 1982; and to declare an emergency.

LEGISLATIVE BILL 51. By Cullan, 49th District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-2702 and 71-2802, Reissue Revised Statutes of Nebraska, 1943; to provide procedures for licensing and regulating athletic trainers as prescribed; to provide that certain provisions are not applicable to athletic trainers; and to repeal the original sections.

LEGISLATIVE BILL 52. By Marsh, 29th District.
This bill introduced on behalf of: City of Lincoln.

A BILL FOR AN ACT relating to cities of the primary class; to amend sections 15-841, 15-1202, 15-1203, and 15-1204, Reissue Revised Statutes of Nebraska, 1943, and section 15-840, Revised Statutes Supplement, 1982; to change provisions relating to claims against a city of the primary class; to provide for procedures to perfect an appeal to the district court; to provide duties for the city clerk; to provide time for filing the petition on appeal; to repeal the original sections, and also section 15-842, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 53. By Schmit, 23rd District.
This bill introduced on behalf of: People of the State of Nebraska.

A BILL FOR AN ACT to amend section 2-2317, Revised Statutes Supplement, 1982, relating to agriculture; to change the approval requirements for vouchers; and to repeal the original section.

LEGISLATIVE BILL 54. By Clark, 47th District.
This bill introduced on behalf of: County Attorneys, small companies.

A BILL FOR AN ACT to amend section 23-1217, Revised Statutes Supplement, 1982, relating to county attorneys; to change continuing legal education requirements as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 55. By Eret, 32nd District.
This bill introduced on behalf of: Commodity buyers and sellers.

A BILL FOR AN ACT relating to agriculture; to require the Department of Agriculture to provide a commodity pricing directory service.

LEGISLATIVE BILL 56. By Nichol, 48th District; H. Peterson, 35th District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT to amend sections 53-102, 53-103, 53-180.02, and 53-180.04, Revised Statutes Supplement, 1982, relating to liquors; to redefine minor; to permit certain employment; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 57. By Remmers, 1st District.
This bill introduced on behalf of: Nebraska pharmacists.

A B L FOR AN ACT relating to crimes and punishments; to amend section 28-101, Revised Statutes Supplement, 1982; to define the offense of theft of a controlled substance; to provide penalties; and to repeal the original section.

LEGISLATIVE BILL 58. By DeCamp, 40th District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT to amend sections 8-157 and 8-903, Reissue Revised Statutes of Nebraska, 1943, relating to banking; to remove a restriction on the location of auxiliary teller offices; to redesignate such offices; to authorize the making of loans for such offices; to authorize certain acquisitions by bank holding companies as prescribed; to permit a bank to assume the assets and liabilities of a cooperative credit association as prescribed; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 59. By Warner, 25th District; Carsten, 2nd District; Landis, 46th District; Marsh, 29th District; Fowler, 27th District.
This bill introduced on behalf of: themselves.

A BILL FOR AN ACT to amend section 77-2715.01, Revised Statutes Supplement, 1982, relating to revenue and taxation; to change the income tax rate as prescribed; and to repeal the original section.

LEGISLATIVE BILL 60. By Wiitala, 31st District.
This bill introduced on behalf of: citizens.

A BILL FOR AN ACT relating to public health and welfare; to provide for the removal and donation of the cornea during an autopsy as prescribed.

LEGISLATIVE BILL 61. By Wiitala, 31st District.
This bill introduced on behalf of: citizens.

A BILL FOR AN ACT relating to adoptions; to provide for hearings and appeals as prescribed.

LEGISLATIVE BILL 62. By Wiitala, 31st District.
This bill introduced on behalf of: citizens.

A BILL FOR AN ACT relating to education; to provide legislative findings; to provide a foreign language assistance program; to create a fund; to provide duties for the State Department of Education; and to provide for termination of this act.

LEGISLATIVE BILL 63. By Landis, 46th District.
This bill introduced on behalf of: Lancaster County.

A BILL FOR AN ACT to amend section 23-122, Reissue Revised Statutes of Nebraska, 1943, relating to counties; to change provisions requiring publication; and to repeal the original section.

LEGISLATIVE BILL 64. By Landis, 46th District.
This bill introduced on behalf of: the elderly.

A BILL FOR AN ACT to adopt the Nebraska Low Income Energy Act; to provide for termination; and to provide for severability.

LEGISLATIVE BILL 65. By Landis, 46th District; Wesely, 26th District.
This bill introduced on behalf of: sound fiscal management.

A BILL FOR AN ACT relating to the disclosure of information concerning state government; to state intent; to define terms; to provide for the submission to and investigation by the Public Counsel of allegations of wrongdoing; to provide duties; to provide procedures; to prohibit reprisals; to amend sections 81-8,245 and 81-1318, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections.

LEGISLATIVE BILL 66. By Vickers, 38th District.
This bill introduced on behalf of: people of Nebraska.

A BILL FOR AN ACT to amend section 81-885.04, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Real Estate License Act of 1973; to provide an exception; and to repeal the original section.

LEGISLATIVE BILL 67. By Vickers, 38th District.
This bill introduced on behalf of: people of Nebraska.

A BILL FOR AN ACT to amend section 46-663, Revised Statutes Supplement, 1982, relating to water; to authorize certain reporting and consultation as prescribed; and to repeal the original section.

LEGISLATIVE BILL 68. By Vickers, 38th District.
This bill introduced on behalf of: people of Nebraska.

A BILL FOR AN ACT to amend section 32-535, Reissue Revised Statutes of Nebraska, 1943, relating to nonpartisan elections; to include additional county officers as nonpartisan; and to repeal the original section.

EASE

The Legislature was at ease from 10:08 a.m. until 10:18 a.m.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 69. By Goodrich, 20th District.
This bill introduced on behalf of: Grocers Association.

A BILL FOR AN ACT relating to financial institutions; to provide that certain account information be printed on drafts and checks as prescribed; and to provide an operative date.

RESOLUTION

LEGISLATIVE RESOLUTION 1.

Introduced by Warner, 25th District.

A Resolution to propose an amendment to Article III, section 22, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA,

FIRST SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 22, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 22. The Each Legislature shall, during the session held each odd-numbered year, make appropriations for the expenses of the Government. And whenever it is deemed necessary to make further appropriations for deficiencies, the same shall require a two-thirds vote of all the members elected to the Legislature. Appropriations for new programs may be made for the four succeeding years. Bills making appropriations for the pay of members and officers of the Legislature, and for the salaries of the officers of the Government, shall contain no provision on any other subject.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form: "A constitutional amendment to provide for biennial appropriations and to permit four year appropriations for new programs.

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.

Referred to the Executive Board.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 70. By Schmit, 23rd District.
This bill introduced on behalf of: Nebraska Association of Public Employees.

A BILL FOR AN ACT to amend section 84-1503, Reissue Revised Statutes of Nebraska, 1943, relating to retirement; to provide for an analysis of the investment return on certain funds; and to repeal the original section.

LEGISLATIVE BILL 71. By Landis, 46th District.
This bill introduced on behalf of: City of Scottsbluff.

A BILL FOR AN ACT relating to cities of the first and second class and villages; to amend sections 16-903, 17-1001, 19-901, 19-904, 19-916,

19-918, 19-919, and 79-4,151, Reissue Revised Statutes of Nebraska, 1943, and sections 16-902, 17-1002, 18-1306, and 23-1506, Revised Statutes Supplement, 1982; to modify planning and zoning provisions; to provide for a designated agent; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 72. By Schmit, 23rd District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT to amend section 60-330, Reissue Revised Statutes of Nebraska, 1943, and section 60-301, Revised Statutes Supplement, 1982, relating to motor vehicles; to change a definition; to change provisions relating to registration fees for certain combinations of vehicles; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 73. By Schmit, 23rd District.
This bill introduced on behalf of: Farmers of Nebraska.

A BILL FOR AN ACT to amend sections 88-502, 88-504, and 88-518, Reissue Revised Statutes of Nebraska, 1943, and sections 88-401 and 88-503, Revised Statutes Supplement, 1982, relating to warehouses; to provide for personal sureties; to provide for periodic inspections; to provide for proof of financial responsibility; to provide an alternative to the bonding requirement; to change provisions relating to duration of a license; to require inspections on conditions leading to grain dust explosions; and to repeal the original sections.

LEGISLATIVE BILL 74. By Schmit, 23rd District.
This bill introduced on behalf of: Children of Nebraska.

A BILL FOR AN ACT relating to paternity; to amend sections 13-111 and 13-112, Reissue Revised Statutes of Nebraska, 1943; to provide when a paternity action may be brought; to change the procedure of paternity actions as prescribed; to provide that the results of blood tests shall be competent evidence; and to repeal the original sections.

LEGISLATIVE BILL 75. By Schmit, 23rd District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT to amend section 90-220, Reissue Revised Statutes of Nebraska, 1943, relating to specific conveyances; to change the provisions of certain conveyances; and to repeal the original section.

LEGISLATIVE BILL 76. By Goodrich, 20th District; L. Johnson, 15th District.
This bill introduced on behalf of: Nebraska Power Association.

A BILL FOR AN ACT to amend section 70-637, Reissue Revised Statutes of Nebraska, 1943, relating to public power and irrigation districts; to change provisions relating to bids as prescribed; and to repeal the original section.

LEGISLATIVE BILL 77. By Pirsch, 10th District; Hoagland, 6th District.
This bill introduced on behalf of: Citizens of Nebraska.

A BILL FOR AN ACT to amend section 28-431, Revised Statutes Supplement, 1982, relating to controlled substances; to change provisions relating to forfeiture of certain property; to provide for the allocation of the forfeited property; to create a fund; to provide an operative date; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 78. By Pirsch, 10th District.
This bill introduced on behalf of: Crime Victims.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2261, Reissue Revised Statutes of Nebraska, 1943, and section 23-1201, Revised Statutes Supplement, 1982; to define terms; to change certain provisions relating to the duties of the county attorney; to change certain provisions relating to presentence investigations; and to repeal the original sections.

LEGISLATIVE BILL 79. By Pirsch, 10th District.
This bill introduced on behalf of: Victims in Nebraska.

A BILL FOR AN ACT to amend sections 28-318 to 28-320, Reissue Revised Statutes of Nebraska, 1943, relating to crimes and punishments; to define and redefine terms; to change provisions relating to sexual assault; to provide a penalty; to restrict the use of certain evidence; and to repeal the original sections, and also sections 28-321 to 28-323, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 80. By Pirsch, 10th District.
This bill introduced on behalf of: Nebraska State Parole Board.

A BILL FOR AN ACT to amend section 83-1,107.01, Reissue Revised Statutes of Nebraska, 1943, relating to correctional services; to change provisions relating to reduction of sentence as prescribed; and to repeal the original section.

LEGISLATIVE BILL 81. By Pirsch, 10th District.
This bill introduced on behalf of: Douglas County Sheriff.

A BILL FOR AN ACT to amend sections 23-1723 and 23-1734, Reissue

Revised Statutes of Nebraska, 1943, relating to county government and officers; to change the membership of the sheriff's office merit commission; to modify powers of the commission; and to repeal the original sections.

LEGISLATIVE BILL 82. By Pirsch, 10th District.
This bill introduced on behalf of: Developmental Disabilities Council.

A BILL FOR AN ACT to amend section 81-108, Reissue Revised Statutes of Nebraska, 1943, relating to state administrative departments; to allow certain persons to serve on policymaking bodies; and to repeal the original section.

LEGISLATIVE BILL 83. By Kilgarin, 7th District; Nichol, 48th District.
This bill introduced on behalf of: Nebraska Mexican Americans.

A BILL FOR AN ACT to amend sections 81-8,265 and 81-8,271, Reissue Revised Statutes of Nebraska, 1943, relating to independent boards and commissions; to provide additional functions and powers of the commission; and to repeal the original sections.

LEGISLATIVE BILL 84. By Hefner, 19th District.
This bill introduced on behalf of: local government.

A BILL FOR AN ACT to amend section 76-719.01, Reissue Revised Statutes of Nebraska, 1943, relating to real property; to allow certain sums to be deducted from condemnation awards; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 2.

Introduced by Pirsch, 10th District; Hoagland, 6th District.

A Resolution to propose an amendment to Article VII, section 5, of the Constitution of Nebraska.

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

Section 1. That at the primary election in May 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, section 5, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 5. ~~All~~ (1) Except as provided in subsection (2) of this section, all fines, penalties, and license money, arising under the general laws of the state, except fines and penalties for violation of laws prohibiting the

overloading of vehicles used upon the public roads and highways of this state, shall belong and be paid over to the counties respectively, where the same may be levied or imposed, and all fines, penalties, and license money arising under the rules, ~~by-laws~~ bylaws, or ordinances of cities, villages, precincts, or other municipal subdivision less than a county, shall belong and be paid over to the same respectively. All such fines, penalties, and license money shall be appropriated exclusively to the use and support of the common schools in the respective subdivisions where the same may accrue, except that all fines and penalties for violation of laws prohibiting the overloading of vehicles used upon the public roads and highways shall be placed as follows: Seventy-five per cent in a fund for state highways, and twenty-five per cent to the county general fund where the fine or penalty is paid.

(2) Fifty per cent of all proceeds derived from property forfeited or confiscated pursuant to law shall belong and be paid over to the counties for drug enforcement purposes as the Legislature may provide.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to allow proceeds from certain forfeited property to be divided equally between the school fund and counties for drug enforcement purposes.

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.

Referred to the Executive Board.

MOTION - Approve Committee on Committees Report

Mr. Chronister moved the approval of the following Committee on Committees Report.

Agriculture and Environment - Haberman, Chairperson

Chronister	Eret
Pappas	R. Peterson
Pirsch	Remmers
Wiitala	

Appropriations - Warner, Chairperson

Goodrich	L. Johnson

Kahle
Marsh
H. Peterson
Kilgarin
Morehead
Wagner

Banking, Commerce & Insurance- DeCamp, Chairperson

Beyer
Haberman
Newell
Schmit
Clark
Labedz
Remmers

Business & Labor - Barrett, Chairperson

Eret
Goll
R. Peterson
Fowler
Labedz
Wiitala

Constitutional Revision & Recreation - Labedz, Chairperson

Abboud
Jacobson
Rupp
Carsten
Fowler
Sieck

Education - Vickers, Chairperson

Cullan
Fowler
Hoagland
Wiitala
Eret
Goll
Lamb

Government, Military & Veterans Affairs - Landis, Chairperson

Beutler
Cullan
Higgins
Vickers
Chambers
Goll
R. Johnson

Judiciary - Beutler, Chairperson

Abboud
Chronister
R. Johnson
Von Minden
Chambers
Jacobson
Pirsch

Miscellaneous Subjects - Hefner, Chairperson

Barrett
Newell
Fenger
Hannibal

V. Johnson
Von Minden
Lundy

Public Health and Welfare - Fenger, Chairperson

Barrett
Higgins
Rupp
Doyle
R. Peterson
Wesely

Public Works - Schmit, Chairperson

Beyer
DeCamp
Hoagland
Wesely
Clark
Doyle
Lamb

Revenue - Carsten, Chairperson

Hannibal
V. Johnson
Lundy
Sieck
Hefner
Landis
Pappas

Urban Affairs - Newell, Chairperson

Cullan
Haberman
Remmers
Vickers
Fenger
Higgins
Rupp

Administrative Rules & Regulations Review - Cullan, Chairperson

Abboud
R. Johnson
Remmers
Hannibal
Lundy
Wesely

Rules - Hoagland, Chairperson

Beutler
Jacobson
Higgins
L. Johnson

Intergovernmental Cooperation - Clark, Chairperson

DeCamp
Lamb
V. Johnson
Marsh

The motion to approve the Committee on Committees Report prevailed with 29 ayes, 0 nays, 16 present and not voting, and 4 excused

and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 85. By Higgins, 9th District; Labedz, 5th District.
This bill introduced on behalf of: Nebraska taxpayers.

A BILL FOR AN ACT relating to the Department of Public Welfare; to prohibit reimbursement for certain expenses as prescribed; and to provide severability.

LEGISLATIVE BILL 86. By Higgins, 9th District; Labedz, 5th District.
This bill introduced on behalf of: Senior citizens of Nebraska.

A BILL FOR AN ACT relating to crimes and punishments; to provide penalties for certain assaults and sexual assaults as prescribed; to amend sections 83-1,107 and 83-1,107.01, Reissue Revised Statutes of Nebraska, 1943; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 87. By Chambers, 11th District.
This bill introduced on behalf of: Board of Barber Examiners.

A BILL FOR AN ACT to amend section 71-219, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to change provisions relating to the training and instructional requirements for barbers and cosmetologists; to change fees; and to repeal the original section.

LEGISLATIVE BILL 88. By Chambers, 11th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 39-664, Reissue Revised Statutes of Nebraska, 1943, relating to speed detecting devices; to provide duties for the state; to establish the necessary proofs when using a speed detecting device; and to repeal the original section.

RECESS

At 10:44 a.m., on a motion by Mr. Lundy, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:41 p.m, President Luedtke presiding.

PRAYER

The prayer was offered by Pastor Robert A. Raabe, Evangelical United Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Haberman who was excused; and Messrs. Cullan, V. Johnson, and Newell who were excused until they arrive.

MESSAGE FROM THE SECRETARY OF STATE

January 6, 1983

Speaker of the Legislature
Eighty-eighth Legislature
First Session (Regular) 1983
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 sixth day of January, 1983, and ending on the first Thursday after the first Tuesday in January, 1987, are on file in the office of the Secretary of State:

Governor Robert Kerrey
Lieutenant Governor Donald F. McGinley
Auditor of Public Accounts Ray A. C. Johnson
State Treasurer Kay A. Orr
Attorney General Paul L. Douglas

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

Harold D. Simpson, Public Service Commissioner, District One, term ending January 1989.

Duane Gay, Public Service Commissioner, District Three, term ending January, 1989.

Margaret Robinson, Regent, University of Nebraska, District Three, term ending January 1989.

Nancy Hoch, Regent, University of Nebraska, District Four, term ending January 1989.

Robert R. Koefoot, Regent, University of Nebraska, District Five, term ending January 1989.

James H. Moylan, Regent, University of Nebraska, District Eight, term ending January 1989.

Bill Marshall, Member, State Board of Education, District Five.

Fred A. Lockwood, Member, State Board of Education, District Six.

Daniel G. Urwiller, Member, State Board of Education, District Seven.

William C. Ramsey, Member, State Board of Education, District Eight.

Norman Krivosha, Chief Justice, Supreme Court, Retained.

William C. Hastings, Judge of Supreme Court, District One, Retained.

Ben Novicoff, Judge of Nebraska Workmen's Compensation Court, Retained.

Mark A. Buchholz, Judge of Nebraska Workmen's Compensation Court, Retained.

Paul E. LeClair, Judge, Nebraska Workmen's Compensation Court, Retained.

(By law the terms of the Nebraska Workmen's Compensation Court begin January 6, 1983.)

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 Robert Kerrey
Lieutenant Governor Donald F. McGinley
Auditor of Public Accounts Ray A. C. Johnson
State Treasurer Kay Orr
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 Harold D. Simpson and

Duane Gay, Public Service Commissioners; Margaret Robinson, Nancy Hoch, Robert R. Koefoot and James H. Moylan, Regents of the University of Nebraska; Bill Marshall, Fred A. Lockwood, Daniel G. Urwiller and William C. Ramsey, Members of the State Board of Education; Norman Krivosha, Chief Justice of the Supreme Court; William C. Hastings, Judge of Supreme Court; Ben Novicoff, Mark A. Buchholz and Paul E. LeClair, Judges of Nebraska 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 sixth day of January in the year of our Lord, one thousand nine hundred and eighty-three.

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

INAUGURAL CEREMONIES

Presentation of Colors by the Nebraska National Guard.

MOTION - Escort Board of Education

Mrs. Labedz moved that a Committee of eight be appointed to escort the members-elect of the Board of Education. The motion prevailed.

The Chair appointed Messrs. Lundy, Vickers, Carsten, Clark, Warner, Schmit, DeCamp, and Chambers to escort members-elect Messrs. Lockwood, Marshall, Ramsey, and Urwiller of the Board of Education.

MOTION - Escort Board of Regents

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

The Chair appointed Mesdames Labedz, Higgins, Messrs. Eret, Sieck, Rupp, and R. Peterson to escort members-elect Mesdames Hoch, Robinson, and Mr. Moylan.

MOTION - Escort Public Service Commission

Mr. Remmers moved that a Committee of four be appointed to escort the members-elect of the Public Service Commission. The motion prevailed.

The Chair appointed Mrs. Marsh, Messrs. Wagner, Goll, and Remmers

to escort the members-elect Messrs. Gay and Simpson.

MOTION - Escort Workmen's Compensation Judges

Mr. Von Minden moved that a Committee of six be appointed to escort the Workmen's Compensation Judges-elect. The motion prevailed.

The Chair appointed Messrs. Lamb, Chronister, V. Johnson, Hoagland, Landis, and Von Minden to escort Judges-elect Messrs. Novicoff, Buchholz, and LeClair of the Workmen's Compensation Judges-elect.

MOTION - Escort Attorney General

Mr. L. Johnson moved that a Committee of two be appointed to escort the Attorney General-elect. The motion prevailed.

The Chair appointed Messrs. Pappas and Barrett to escort Attorney General-elect Paul L. Douglas.

MOTION - Escort State Treasurer

Mr. H. Peterson moved that a Committee of two be appointed to escort the State Treasurer-elect. The motion prevailed.

The Chair appointed Messrs. Fenger and Beyer to escort State Treasurer-elect Kay Orr.

MOTION - Escort State Auditor

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

The Chair appointed Messrs. Hefner and Jacobson to escort State Auditor-elect Ray A. C. Johnson.

MOTION - Escort Secretary of State

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

The Chair appointed Messrs. L. Johnson and H. Peterson to escort Secretary of State Allen J. Beermann.

MOTION - Escort Lt. Governor

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

The Chair appointed Messrs. Wiitala and Kahle to escort Lt. Governor Donald F. McGinley.

MOTION - Escort Supreme Court

Mr. Hoagland moved that a Committee of six 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 Mesdames Pirsch, Morehead, Messrs. Beutler, Abboud, Goodrich, and Doyle to escort Chief Justice Krivosha and his associates, Justices Boslaugh, McCowan, White, Hastings, and Caporole to the rostrum.

MOTION - Escort Governor

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

The Chair appointed Miss Kilgarin, Mrs. Labedz, Messrs. Nichol, Wesely, and Fowler to escort Governor-elect Robert Kerrey.

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

Governor Kerrey delivered the following Inaugural Address:

Chief Justice Krivosha, Senators Exon and Zorinsky, Mr. Speaker, Members of the Legislature, Distinguished Guests:

I don't believe anyone can read a newspaper or newsmagazine today and not be struck by the sheer number and variety of important issues crying out for resolution. The crisis in state finances, low commodity prices, increasing unemployment and energy costs, rapid technological change, the burgeoning federal budget deficit, and decreasing federal assistance to the states are but a few of the areas currently competing for our attention. It is not surprising that we sometimes feel overwhelmed. The job almost seems too big to begin. Still, I think the words of Thomas Paine offer us a healthy, helpful perspective. Paine once proclaimed... "You don't build new worlds in an afternoon. Brick must be placed upon brick". Mindful of Paine's words, it is with enthusiasm and a spirit of dedication that I accept the challenge the Oath of Office places on me and the Kerry/McGinley Administration.

Today, we Nebraskans face a future fraught with uncertainty, yet filled also with hope and wonder. To lay uncertainty to rest will be a strenuous task. It will demand commitments of time, energy, and creativity. It will demand that we accept the risks which may inhere in

fresh ideas. It will demand that we face the future squarely, without flinching or hedging. Be confident that the directives emanating from my office will be grounded in those principles and in the knowledge that we will succeed.

We are only recently emerging from two decades of great, often tumultuous, changes. Now, we are required to reconsider our priorities and restructure many of our policies in light of those changes. The "Information Age" predicted by social scientists twenty years ago has arrived, and with it has arrived a profound alteration of our economy.

Automation and increased production efficiencies offered by new technology have permanently changed America's employment needs. The Congressional Budget Office, for example, estimates that micro-electronic technology will eliminate 3 million jobs by 1990. That constitutes 15% of manufacturing workers. Yet we need not despair. The information explosion has also created a world of new job opportunities - which are ours for the willingness to learn and to adapt.
and to adapt.

Similarly, the world's economy has undergone sweeping change. Today, the worth of the Mexican peso or the relative instability of the Saudi Arabian government dramatically impacts our industries and consumer goods prices.

We have become economically interdependent with the remainder of the world. Nowhere is this linkage more apparent than in the food and energy industries. Sixty percent of American wheat and soybeans are shipped abroad at present. And we cannot ignore the economic crisis started by OPEC in 1973 and which continues to affect all of our lives.

Closer to home, the texture of American life has been rewoven by shifting patterns of demographics. The post-World War II baby boom generation has matured. The birth rate has declined. And, thankfully, life expectancy has increased. This so-called "Greying of America" has far-reaching implications for government as the demand for services such as child care, nursing homes, health care, and Social Security increases. Government must, therefore, be aware of demographic information in its long-term planning.

Nebraskans are blessed with a natural resource base which we have used to create a strong agricultural economy. We have come to see that the security of that resource base and our way of life depends on our ability and willingness to manage our water and soil.

A concensus is building for a balanced program of resource management directed whenever possible at the local level. The Legislature has already taken steps in this direction. However, more work is needed. This will not be an easy task, but the future of Nebraska is at stake.

Finally, we face a grave, immediate fiscal situation. Although serious in nature, the problem is painfully simple. For the last two years, this state's government has spent more money than it has collected for its coffers. As a result we have exhausted an enormous

state general fund surplus. We have been forced to use a number of measures including the lapsing of cash funds, and interfund borrowing.

These actions were taken in the belief that the economy would suddenly turn around. The economy has not turned around and this fact only compounds our commitment in the next fiscal year to expenditures which far exceed revenues generated by either existing or any reasonable tax rate increases.

But, like any other problem, this one can be remedied, if we work together. Initially, we must prioritize the functions of this state government, making more efficient and effective those functions to which we ascribe primary importance and reducing or eliminating those to which we assign a lower priority. In this way, we will pay only for those necessary facets of government which we can afford under realistic tax rates.

I believe we should view this fiscal situation not as an overwhelming or overriding preoccupation, but as a golden opportunity to streamline and strengthen state government. It will take a good deal of hard work and cooperation, but together we can meet the challenge.

But while we pay attention to the business at hand, that is our own state's financial problems, we will not ignore the financial problems of our federal government. The financing of our nation's well-being is now at critical ... and perhaps an historic ... point. The enormous federal deficit is devouring private investment, keeping interest rates high, and depressing farm prices.

It is clear that our appetite for federal spending must be curbed. Simply reducing the size of government operations, federal aid to state and local governments, and need related entitlements while hoping that we will grow out of this crisis is clearly not the answer.

While none of us want to permit the erosion of vital defense programs, we can no longer afford to short-change those strategies that are essential to our economic recovery. Billions of dollars in the defense budget can be cut without harming our national security. Indeed prudent reductions will improve our posture.

As Governor I intend to insist that our national leaders get tough and pay for only those things we genuinely need for a lean, modern and professional defense. This country is in economic trouble and getting tough is the only way we can get out.

Clearly, we cannot afford to ignore the forces of change or the myriad issues they present. Problems do not solve themselves. Nor are they solved by inaction. Nor will they subside if we simply wait. In the absence of concern, commitment, and action, problems thrive. They need not. By marshalling the considerable resources Nebraskans possess, we can lead the nation-wide battle to restore prosperity and renew hope.

I will begin to wage that battle in my office. If we are to maintain control of our state government, we must have the tools to effectively

manage this 1.7 billion dollar entity. My administration will be characterized by its use of top talent and management tools, building on the strong base provided by our outstanding state employees and supplementing when necessary from business and other states. I have already called upon our state's business leaders to assist us in bringing new management ideas to state government.

Accessibility and public accountability will be trademarks of this administration. We will present issues to the people of Nebraska, and seek their advice on directions we should take. To facilitate this process, I have visited with representatives of both the private media and the Nebraska Educational Television Network regarding ways this medium can be used to provide information on state government, and to establish a dialogue on contemporary issues, such as soil and water policy, education, affirmative action, and state finances.

Moreover, I will ask that the awesome human resources of this state be diligently applied to the following agenda of needs.

1. First, we face a compelling crisis in agriculture. Farmers have already planted their wheat and in five months will be planting corn and other feed grains knowing that the current value will not cover operating costs. Our existing stocks of inventory and the strong dollar threaten to keep commodity prices and farm income depressed throughout 1983.

In this State agriculture provides the fuel for economic growth. Farm and ranch income provides a large portion of the income base in our economy. The purchases of farm and ranch income begin a cycle of economic activity which provides more jobs than any other industry.

Many people have said to me that the Governor has little influence over farm prices. Thay feel a sense of hopelessness and worry that nothing can be done to help.

But though I know that I can't magically increase agricultural income, I believe passionately that it can be done and that we can do it.

It is my belief that in order to want to solve this problem Nebraskans are going to have to continue to work towards a better understanding of the connection between the prosperity of farmers and ranchers and their own prosperity. When the price of food increases our state's standard of living will increase. This is much the same as the standard of living in Texas and Oklahoma increasing when the price of a barrel of crude oil increases. It troubles me when there are Nebraskans who know the current price of a barrel of oil but do not know the price for a bushel of corn.

I intend to work hard to help Nebraskans--urban and rural alike, understand the connections between higher commodity prices and better schools, between profitable agriculture and property tax relief, between strong farms and strong communities. I also intend to work with the official representatives of farm states and farm groups to unite and deliver a clear, resounding message to Washington: That profits must return to the farmers and ranchers of Nebraska if we are to be a truly secure Nation in the future.

My offices and the resources of this administration will be placed squarely behind the goal of raising farm income in Nebraska. Working with our Congressional delegation, farm organizations, commodity groups, business leaders, and the University of Nebraska, we will achieve that goal.

I also intend to remind Nebraskans that we cannot permit the current economic crisis to detract us from our long standing and desperately needed commitment to soil conservation and water management.

2. Secondly, this administration intends to aggressively pursue economic development in our State. My strong sense of urgency to pursue this goal is based upon two things:

A. At least 50,000 Nebraskans are currently without work. Many of the trades have been unemployed for over two years. There are several thousand meat cutters recently laid off who may never be rehired. These people expect and deserve our attention.

B. Practically every other state has begun to compete for new industry. Practically every other state which cares about its people is wrestling with the dilemma of structural unemployment.

I intend to accomplish the goal of increased employment by targeting and recruiting food processing and communications/information industry for Nebraska.

I also intend to achieve this goal by recognizing and responding to the crucial elements of any relocation or expansion decision. These elements will include the availability and affordability of financing, the potential for profit, and the likelihood of growth. These decisions will also be influenced by the quality of life in Nebraska. Which means the quality of our schools, our roads, our recreation, and our arts, just to name a few.

3. Third, the agenda I set forth today is a rigorous one which demands not only good intentions but considerable skill and expertise. We would therefore be remiss to reduce our investment in education. A short-term cost savings would be repaid with lower productivity and a declining standard of living.

Education is the conservative commitment of those of us who believe that it is people who solve our problems. Minimal government begins with education because we are giving people the tools to do the job themselves.

Education is also the means by which we pursue equality. Through universal education we are attempting to give all people equal opportunity for the pursuit of happiness.

I will also ask that our educational institutions and businesses develop plans to stimulate public interest in and use of the computer. As this valuable tool moves from the corporate inner-sanctum to the homes and workplaces of America, knowledge of data processing - in short, computer literacy - becomes essential. By 1985, more than half of our jobs will use computers in some way. Properly used, that can increase the efficiency and potential of our lives.

At the same time, I will encourage our learning institutions in their efforts to heighten appreciation and understanding of the rich cultural, literary, and artistic heritage we Nebraskans share. As the future rushes towards us, an understanding ofthe roots from which we grew is indeed valuable.

4. Finally, I intend to assist Nebraskans in preparing for and living with our energy dependency. The most substantive response to the energy crisis of the 1970's occurred at the local level, with consumers, producers, and government providing a base for action. Those efforts have been aided by this Legislature, I intend to vigorously support programs designed to reduce Nebraska's energy dependence.

Our state must become a leader in practical directions for new energy sources and greater efficiency. We must continue to weatherize public buildings. We must continue to assist low-income and elderly citizens in efforts to reduce their energy use. We must continue to support development of alternative fuels ranging from solar to grain alcohol.

As part of this drive, I intend to work with our Congressional delegation and surrounding states to effect changes in ever-escalating natural gas contracts. It is foolish to expect public support for energy conservation when the only reward is higher prices.

As technological and political changes have swept over us, I have also witnessed a disturbing trend. People in this State and in our Nation feel an increasing sense of helplessness. They do not feel a part of their Government. They wonder what difference one person and one vote can make.

But I tell you that one person can with facts, with force and with conviction have a tremendous impact upon the course of events. As it is chiseled into the granite on the north face of the Capitol as a reminder to all of us, "The salvation of the State is watchfulness in the citizen."

I look forward to the next four years, confident that we will succeed in addressing these issues and more, I mark today not as merely a new beginning, but as a bold step forward for the state. Let us remember in the months ahead that compromise is not a sign of weakness, but of constructive cooperation. Let us remember that commitment must be demonstrated by action and not by words alone. And, as we move forward, let us recall the words of Hannibal as he prepared to cross the Swiss Alps: "We will either find a way or make one".

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

SPEAKER NICHOL PRESIDING

ADJOURNMENT

At 3:16 p.m., on a motion by Mr. Jacobson, the Legislature adjourned until 10:00 a.m., Friday, January 7, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

THIRD DAY - JANUARY 7, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 7, 1983

Pursuant to adjournment, the Legislature met at 10:01 a.m., President McGinley presiding.

PRAYER

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

ROLL CALL

The roll was called and all members were present except Messrs. Beyer, Hoagland, and Mrs. Higgins who were excused; and Messrs. Beutler, Eret, Fowler, V. Johnson, Rupp, Schmit, Mesdames Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 68, line 7, underscore "The" and strike "~~Each~~".
The Journal for the Second Day was approved as corrected.

ATTORNEY GENERAL'S OPINIONS

December 30, 1982

Dear Senator Fenger:

This is in reply to your inquiry concerning the application of the pawn brokers law, and more specifically as to whether or not it applies to dealers who take trade-ins, such as those who sell new and used automobiles or guns.

Section 69-201 (Reissue 1981) defines pawn brokers as: "Any person engaged in the business of lending money upon chattle property for security and requiring possession of the property so mortgaged on condition of returning the same upon payment of a stipulated amount of money, or purchasing property on condition of selling it back at a stipulated price."

Unless a merchant falls within this definition, the pawn broker law would not apply. If, for example, an automobile dealer loaned money and retained possession of the borrower's automobile as security, or purchased an automobile from an individual on the condition of selling it back at a stipulated price, the dealer would then fall within the provisions of the pawn broker law.

Unless there is need for changing the overall meaning or coverage of the pawn brokers law, we see no present need for clarification or refinement.

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

BLP:pjs
cc: Patrick J. O'Donnell
Clerk of the Legislature

December 30, 1982

Dear Senator Vickers:

This is in reply to your inquiry concerning proposed amendments to the Weed Eradication and Control Act.

Specifically you have asked how far a local administrative agency, such as a weed control authority, may go in assessment and collection of fines.

From our examination of your proposed amendments, your intent appears to be to make the failure to control noxious weed a continuing misdemeanor, subject to a fine of up to $50.00 per day. This provision for a penalty appears to be not withstanding, and in addition to, the penalty provided in §2-963.

In answer to your specific question, we are not aware of any authority for an administrative agency to assess and collect fines for the violation of provision of our laws. When a violation of provisions of our statutes accur, it is the responsibility of the county attorneys to intitate a complaint and only the courts have authority to impose fines and penalties, as provided by law.

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

BLP:pjs
cc: Patrick J. O'Donnell
Clerk of the Legislature

NATURAL RESOURCES DISTRICT REPORTS

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1982 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lower Republican	
NE Assoc. of Resource Districts	161.60
Catherland Reclamation Project	2,000
North Platte	
Holtorf, Kovarik, Nuttlemen Ellison, P.C.	385.00

MOTION - Adopt Rules

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

The motion prevailed with 32 ayes, 0 nays, 6 present and not voting, and 11 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 89. By Kilgarin, 7th District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT to amend sections 77-2703 and 77-2715.03, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2715.01 and 77-2715.02, Revised Statutes Supplement, 1982, relating to revenue and taxation; to create the State Tax Board; to provide for the setting of tax rates by such board; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 90. By Pappas, 42nd District.
This bill introduced on behalf of: The Native Americans of Nebraska and the late Senator Myron G. A. Rumery.

A BILL FOR AN ACT to establish a day in recognition of Native Americans; to provide duties; to urge observation of such day; and to declare an emergency.

LEGISLATIVE BILL 91. By Pappas, 42nd District.
This bill introduced on behalf of: the people of Nebraska.

A BILL FOR AN ACT to amend sections 79-490 and 79-492, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to make payments for transporting students at the discretion of the school district; and to repeal the original sections.

LEGISLATIVE BILL 92. By Goll, 16th District.
This bill introduced on behalf of: Nebraska Monument Builders Association.

A BILL FOR AN ACT relating to cemeteries; to prohibit certain cemeteries and certain persons from selling vaults, monuments, or markers; and to provide a penalty.

LEGISLATIVE BILL 93. By Hefner, 19th District.
This bill introduced on behalf of: Local Rescue Units.

A BILL FOR AN ACT to amend sections 71-5102, 71-5109, 71-5111, and 71-5115, Reissue Revised Statutes of Nebraska, 1943, relating to emergency medical care; to allow ambulance attendants to administer cardiac electrical countershock as prescribed; to harmonize provisions; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 3.

Introduced by Hefner, 19th District.

A Resolution to propose an amendment to Article III, section 22, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 22, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 22. Each Legislature shall make appropriations for the expenses of the Government. ~~And whenever~~ Whenever it is deemed necessary to make further appropriations for deficiencies, the same shall require a two-thirds vote of all the members elected to the Legislature. Bills making appropriations for the pay of members and officers of the Legislature, and for the salaries of the officers of the Government, shall contain no provision on any other subject. Whenever any act of the Legislature requires that any new program or service be provided by any municipality, county, or other political subdivision, and whenever the Legislature requires the expansion or change in any such program or service, which creation or change will

result in an increased expenditure of funds by the affected political subdivisions, the Legislature shall appropriate the necessary funds for the benefit of the affected political subdivisions each and every year during which the program or service is required to continue.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to require the Legislature to appropriate funds for certain new or revised programs and services provided by political subdivisions.

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.

Referred to the Executive Board.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 94. By Vickers, 38th District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT relating to public improvements; to amend sections 16-622, 17-509, 17-510, and 19-2427, Revised Statutes Supplement, 1982; to provide for exemption from special assessments for certain agricultural use land; to provide procedures; and to repeal the original sections.

LEGISLATIVE BILL 95. By Wiitala, 31st District.
This bill introduced on behalf of: Citizens.

A BILL FOR AN ACT relating to banks and savings and loan associations; to establish certain duties of banks and building and loan associations.

LEGISLATIVE BILL 96. By L. Johnson, 15th District; Kilgarin, 7th District; Newell, 13th District; Hoagland, 6th District; Labedz, 5th District; Higgins, 9th District; Pirsch, 10th District; Wiitala, 31st District; Fenger, 45th District; Remmers, 1st District; Goodrich, 20th District; Goll, 16th District; Beyer, 3rd District; Carsten, 2nd District.
This bill introduced on behalf of: Utility ratepayers of Eastern Nebraska.

A BILL FOR AN ACT to amend section 39-1304.02, Reissue Revised Statutes of Nebraska, 1943, relating to highways; to assign responsibility for certain expenses; to repeal the original section; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 4.

Introduced by Wesely, 26th District; Beutler, 28th District.

A Resolution to propose an amendment to Article III, sections 10 and 14, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, sections 10 and 14, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 10. Beginning with the year 1975, regular sessions of the Legislature shall be held annually, commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. The duration of regular sessions held shall not exceed ninety legislative days in odd-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature, and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature. Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment. ~~The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided~~. A majority of the members elected to the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, including a Speaker ~~to preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor~~ and such other presiding officers as it may determine. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

Sec. 14. Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each

member, and the bill and all amendments thereto shall be printed and read at large before the vote is taken upon its final passage. No such vote upon the final passage of any bill shall be taken, however, until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and the same shall be clearly expressed in the title. And no law shall be amended unless the new act contain the section or sections as amended and the section or sections so amended shall be repealed. The ~~Lieutenant Governor, or the Speaker if acting as~~ Speaker or other designated presiding officer, shall sign, in the presence of the Legislature while the same is in session and capable of transacting business, all bills and resolutions passed by the Legislature.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to remove the Lieutenant Governor as presiding officer of the Legislature.
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.

Referred to the Executive Board.

EASE

The Legislature was at ease from 10:23 a.m. until 10:32 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 97. By Sieck, 24th District.
This bill introduced on behalf of: Nebraska Association of School Boards; Nebraska Council of School Administrators.

A BILL FOR AN ACT to amend section 23-1601, Revised Statutes Supplement, 1982, relating to counties; to change duties of the county treasurer; and to repeal the original section.

LEGISLATIVE BILL 98. By Kilgarin, 7th District; Hefner, 19th District; Chronister, 18th District.
This bill introduced on behalf of: South Omaha Industry.

A BILL FOR AN ACT to amend section 75-303, Reissue Revised Statutes of Nebraska, 1943, relating to motor carriers; to add a provision relating to the transportation of property by certain motor carriers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 99. By Newell, 13th District.
This bill introduced on behalf of: Independent Colleges.

A BILL FOR AN ACT to amend sections 85-990 and 85-994, Reissue Revised Statutes of Nebraska, 1943, relating to postsecondary education; to redefine a term; to change provisions relating to financial need as prescribed; to change provisions relating to award requirements as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 100. By Landis, 46th District.
This bill introduced on behalf of: rate payers.

A BILL FOR AN ACT relating to the Public Service Commission; to provide procedures for review of certificates of convenience and necessity.

LEGISLATIVE BILL 101. By Landis, 46th District.
This bill introduced on behalf of: Greater Fiscal Sobriety.

A BILL FOR AN ACT to amend sections 77-2708, 77-27,127, and 77-27,128, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to change the time period for allowing or disallowing a claim; to modify the method of appeal; to repeal the original sections; and also to repeal section 77-27,126, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 102. By Kilgarin, 7th District.
This bill introduced on behalf of: Taxpayers.

A BILL FOR AN ACT to amend sections 77-2703 and 77-2715.03, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2715.01 and 77-2715.02, Revised Statutes Supplement, 1982, relating to revenue and taxation; to provide that the Tax Commissioner set the tax rates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 103. By Lamb, 43rd District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT to amend section 79-12,111, Revised Statutes Supplement, 1982, relating to schools; to change provisions relating to evaluation of a probationary employee; and to repeal the original section.

LEGISLATIVE BILL 104. By Lamb, 43rd District.
This bill introduced on behalf of: The People.

A BILL FOR AN ACT to amend section 37-214.01, Revised Statutes Supplement, 1982, relating to game and parks; to clarify provisions relating to foreign exchange students; and to repeal the original section.

LEGISLATIVE BILL 105. By Chambers, 11th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 77-27,142, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to change provisions relating to the sales and use tax in cities of the metropolitan class; and to repeal the original sections

LEGISLATIVE BILL 106. By Newell, 13th District.
This bill introduced on behalf of: Independent Colleges.

A BILL FOR AN ACT to amend section 85-994, Reissue Revised Statutes of Nebraska, 1943, relating to postsecondary education; to change certain award requirements as prescribed; and to repeal the original section.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Lamb asked unanimous consent to have his name added as co-introducer to LB 20. No objections. So ordered.

Mr. Nichol asked unanimous consent to have his name added as co-introducer to LB 43. No objections. So ordered.

ANNOUNCEMENTS

Mr. Haberman announced the Agriculture and Environment Committee will meet Tuesday, January 11, 1983 in room 1520 upon adjournment.

The Chairperson's Committee will meet Tuesday, January 11, 1983 in room 2102 at 9:00 a.m.

Mr. Carsten announced the Revenue Committee will meet in Executive Session today at 11:00 a.m. in room 1520.

Mr. Warner announced the Appropriations Committee will meet in Executive Session upon adjournment today in room 1003.

Mr. DeCamp announced an organizational meeting of the Banking, Commerce and Insurance Committee on Tuesday, January 11, 1983 at

noon in room 1116.

EASE

The Legislature was at ease from 10:46 a.m. until 11:10 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 107. By V. Johnson, 8th District.
This bill introduced on behalf of: Debtors and home owners.

A BILL FOR AN ACT to amend section 25-1531, Reissue Revised Statutes of Nebraska, 1943, relating to executions; to require notice of the homestead exemption prior to sales as prescribed.

LEGISLATIVE BILL 108. By V. Johnson, 8th District.
This bill introduced on behalf of: Readers and users of library services.

A BILL FOR AN ACT to amend section 84-712.05, Reissue Revised Statutes of Nebraska, 1943, relating to public records; to restrict the disclosure of certain library records; and to repeal the original section.

LEGISLATIVE BILL 109. By V. Johnson, 8th District.
This bill introduced on behalf of: People of the State of Nebraska.

A BILL FOR AN ACT to amend sections 48-209 to 48-211, Reissue Revised Statutes of Nebraska, 1943, relating to employment regulations; to change certain provisions relating to the contents and form of a laborer's service letter; to change a penalty; and to repeal the original sections.

LEGISLATIVE BILL 110. By V. Johnson, 8th District.
This bill introduced on behalf of: People of the State of Nebraska.

A BILL FOR AN ACT to amend sections 29-1912, 29-1913, and 29-1922 to 29-1924, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to provide for discovery in misdemeanor cases as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 111. By V. Johnson, 8th District.
This bill introduced on behalf of: Debtors.

A BILL FOR AN ACT relating to consumer credit; to define terms; to provide consumer credit default procedures as prescribed; and to provide for applicability.

LEGISLATIVE BILL 112. By V. Johnson, 8th District.
This bill introduced on behalf of: The people.

A BILL FOR AN ACT relating to children; to provide for funding of certain maternal and infant care; to provide duties; to create funds; to provide for rules and regulations; and to provide for appropriations.

LEGISLATIVE BILL 113. By V. Johnson, 8th District.
This bill introduced on behalf of: People of the State of Nebraska.

A BILL FOR AN ACT relating to public assistance; to determine eligibility for medical assistance as prescribed; to provide for a period of ineligibility as prescribed; and to allow certain waivers of ineligibility.

RESOLUTION

LEGISLATIVE RESOLUTION 5.

Introduced by Kilgarin, 7th District; R. Johnson, 34th District; Higgins, 9th District; Kahle, 37th District; Cullan, 49th District; Haberman, 44th District; Pappas, 42nd District; Newell, 13th District; V. Johnson, 8th District; Schmit, 23rd District; Lamb, 43rd District.

A Resolution to propose an amendment to Article VII, section 10, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, section 10, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 10. The general government of the University of Nebraska shall be vested in a board, under the direction of the Legislature, ~~be vested in a board of not less than six nor more than eight regents~~ to be designated the Board of Regents of the University of Nebraska, ~~who shall be~~ which shall be comprised of not less than six nor more than eight regents elected from and by districts as herein provided and three students of the University of Nebraska who shall serve as nonvoting members. Such nonvoting student members shall consist of the student body president of the University of Nebraska at Lincoln, the student body president of the University of Nebraska at Omaha, and the student body president of the University of Nebraska Medical Center. The terms of office of elected members shall be for six years each. The terms of office of student members shall be for the period of service as student body president. Their duties and powers shall be prescribed by

law; and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.

The Legislature shall divide the state, along county lines, into as many compact regent districts, as there are regents provided by the Legislature, of approximately equal population, which shall be numbered consecutively.

The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature. Whenever the state is so 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.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to place the Board of Regents of the University of Nebraska under the direction of the Legislature.

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.

Referred to the Executive Board.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1 through 88, and legislative resolutions 1 and 2.

LB	Committee
1	General File
2	General File
3	General File
4	Judiciary
5	Judiciary
6	Revenue
7	Education

8	Judiciary
9	Education
10	Public Works
11	Public Works
12	Revenue
13	Judiciary
14	Revenue
15	Public Works
16	Nebraska Retirement Systems
17	Revenue
18	Business and Labor
19	Agriculture and Environment
20	Agriculture and Environment
21	Public Works
22	Urban Affairs
23	Public Works
24	Constitutional Revision & Recreation
25	Revenue
26	Revenue
27	Revenue
28	Miscellaneous Subjects
29	Education
30	Agriculture and Environment
31	Miscellaneous Subjects
32	Judiciary
33	Public Works
34	Constitutional Revision & Recreation
35	Public Works
36	Public Works
37	Public Works
38	Appropriations
39	Revenue
40	Judiciary
41	Judiciary
42	Government, Military and Veterans Affairs
43	Government, Military and Veterans Affairs
44	General File
45	Education
46	Education
47	Revenue
48	Public Health and Welfare
49	Public Works
50	Public Works
51	Public Health and Welfare
52	Urban Affairs
53	Agriculture and Environment
54	Judiciary
55	Agriculture and Environment

56	Miscellaneous Subjects
57	Judiciary
58	Banking, Commerce and Insurance
59	Revenue
60	Public Health and Welfare
61	Public Health and Welfare
62	Education
63	Government, Military and Veterans Affairs
64	Banking, Commerce and Insurance
65	Government, Military and Veterans Affairs
66	Banking, Commerce and Insurance
67	Public Works
68	Government, Military and Veterans Affairs
69	Banking, Commerce and Insurance
70	Nebraska Retirement Systems
71	Urban Affairs
72	Public Works
73	Agriculture and Environment
74	Judiciary
75	Constitutional Revision and Recreation
76	Public Works
77	Judiciary
78	Judiciary
79	Judiciary
80	Judiciary
81	Government, Military and Veterans Affairs
82	Government, Military and Veterans Affairs
83	Government, Military and Veterans Affairs
84	Judiciary
85	Public Health and Welfare
86	Judiciary
87	Public Health and Welfare
88	Judiciary

LR	**Committee**
1	Constitutional Revision and Recreation
2	Constitutional Revision and Recreation

(Signed) Vard Johnson,
Chairperson
Legislative Council Executive Board

VISITORS

Visitors to the Chamber were Tom Spunaugle, and daughter, Julie from Curtis.

ADJOURNMENT

At 11:14 a.m., on a motion by Mrs. Morehead, the Legislature adjourned until 10:00 a.m., Tuesday, January 11, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTH DAY - JANUARY 11, 1983

LEGISLATIVE JOURNAL

FOURTH DAY - JANUARY 11, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 11, 1983

Pursuant to adjournment, the Legislature met at 10:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Pastor Robert A. Raabe, Evangelical United Lutheran Church, Lincoln, Nebraska.

ROLL CALL

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

CORRECTIONS FOR THE JOURNAL

The Journal for the Third Day was approved.

MOTION - Adopt Rules

Mr. Hoagland moved to adopt temporary rules for this day only.

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

MESSAGE FROM THE GOVERNOR

January 10, 1983

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

Dear Senators:

Under the authority granted me by the Constitution and Nebraska Law I hereby notify you, the members of the 88th Legislature, that I am

on this day recalling for further review the following appointments that were submitted by the Honorable Charles Thone after the November election, but not yet confirmed.

Ida Paxton, Arts Council
David Meisenholder, Arts Council
Jackie Sampson, Arts Council

John G. Lowe III, Board of Trustees - NE State Colleges
Ward H. Reesman, Board of Trustees - NE State Colleges

Marilyn Bath, Crime Victims Reparation Board

Brent Stevenson, Educational Lands and Funds

Gretchen Hershback, Environmental Control Council
Shirley J. Howell, Environmental Control Council

Neil Keller, Game and Parks

Phyllis Haberman, State Board of Health
C. Herbert Seberg, State Board of Health
Dr. Robert Rosenlof, State Board of Health
Edward Schlachter, State Board of Health

Robert Martin, Motor Vehicle Industry Licensing Board
Ted Cannon, Motor Vehicle Industry Licensing Board
Roger Cross, Motor Vehicle Industry Licensing Board
Donald Beltz, Motor Vehicle Industry Licensing Board
Darrell Barnes, Motor Vehicle Industry Licensing Board

Terrence Malcom, Oil and Gas Conservation

Linda Jaeckel, Board of Parole

Glenn Wilson, Power Review Board

Gretchen Gottschalk, Public Employees Retirement Board
Lloyd W. Kilmer, Public Employees Retirement Board
Jane Williams, Public Employees Retirement Board

Ron Cope, Welfare

I recognize the need to move quickly and will, therefore, place a high priority on expeditiously returning to you those appointments from the above list in which I concur and submitting new nominations where required.

Sincerely yours,
(Signed) BOB KERREY
Governor

RK/jm

SPEAKER'S ORDER

SUGGESTED RECESS DAYS FOR 1983

90-Day Session

CONVENE: January 5, 1983

Recess Days:

1/10/83 (Monday), Allows time for logistical items
1/20/83 thru 1/23/83, Four day recess period required by Rule 7, Section 1
2/18/83 thru 2/21/83, February 21st is a State Holiday; this comprehends a four (4) day break in mid-February
3/11/83, Allows for a three (3) day weekend
4/1/83 thru 4/4/83, Easter Recess
4/22/83, Arbor Day which is a State Holiday
5/13/83, Allows for a three (3) day weekend
ADJOURN SINE DIE: - Sometime during the week of 5/23/83; Tentative sine die - 5/24/83

ATTORNEY GENERAL'S OPINIONS

Opinion No. 1
January 6, 1983

Dear Senator Haberman:

You have inquired whether a bill containing the following language would relieve counties and municipalities of liability due to the negligent or intentional acts of their prisoners assigned to community service projects during their incarceration. "No prisoner who works on a community service related project shall be deemed an agent, employee, or servant of the city, county, or court having jurisdiction over the prisoner." At the outset we must note that there are numerous potential theories of political subdivision liability which come to mind which would not be avoided by the language you propose, e.g., negligent supervision of prisoners, federal civil rights liability for acts of prisoners. There may well be other theories of potential liability which do not occur to us absent a specific set of facts and we do not

presume to encompass them in this opinion.

It is our opinion, however, that the language you propose, if incorporated as a part of the Political Subdivisions Tort Claims Act, Neb.Rev.Stat. §23-2401 et seq. (Reissue 1977), could protect political subdivisions from a portion of their potential liability under a correctional program such as you have described. We cannot, however, based on the information presently before us, give you a comprehensive assurance that political subdivision liability can be avoided by the enactment of the language you propose.

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

JKB:pjs
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 2
January 6, 1983

Dear Senator Vickers:

This is in reply to your inquiry, together with a rough draft of a bill to substantially eliminate "insanity" as a defense. We assume you are contemplating introducing similar legislation.

Enclosed is a copy of a previous opinion of this office concerning a bill similar to yours, which was not intended to eliminate the requirement of the state to prove beyond a reasonable doubt the mental element, or mens rea, required of a particular crime. We think this opinion remains valid and is applicable to your proposal.

We have also studied the procedural requirements, as you requested, and do not feel we would have any difficulty defending the constitutionality of such procedures.

The problems of holding a person beyond the statutory term provided for a conviction, or the failure to impose a sentence indefinitely until after mental treatment such as condemned in State v. Shaw, 202 Neb. 766 (1979), are not present in your bill.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:ejg
enc.
cc: Patrick J. O'Donnell

Clerk of the Legislature

MESSAGE FROM THE SECRETARY OF STATE

January 10, 1983

Patrick J. O'Donnell
Clerk of the Legislature

Re: Board of Public Roads, Classifications & Standards

Dear Mr. Clerk:

I am writing this letter to you, hoping you will forward it to the appropriate comm ttee who will be handling legislative confirmation for members of the Board of Public Roads, Classifications & Standards. In addition, I am sending to you a certification with various attachments.

The reason for my letter appears on page 24 of the legislative journal for the second day, January 6, 1983. In the journal there was a letter under the signature of Charles Thone addressed to the President, Speaker and the Members dated May 20, 1982. The last sentence of that letter indicates that the expiration date for all appointees is November 3, 1983. This is incorrect. The terms for Lillian Haggart and Richard Erixson do in fact expire November 3, 1983. However, the terms for the appointments of David O. Coolidge, Heasty W. Reesman, Marvin Athey and Bill Lindholm all expire November 3, 1985.

In that regard I have prepared the certification with attending documents such as copies of the statute and actual appointment forms.

Thank you for your help in getting this matter corrected with the appropriate legislative committee.

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

Enclosures: Several

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached are true and correct copies of a listing of the members of the Board of Public Roads Classifications and Standards, including dates when terms expire.

Further, I hereby certify the attached are true and correct copies of

gubernatorial appointments of David O. Coolidge, Heasty W. Reesman, Marvin Athey and Bill Lindholm, which appointments indicate and provide that their terms end on November 3, 1985.

Further, I hereby certify that attached is a true and correct photocopy of Nebraska statute 39-2106 which indicates and sets forth the length of terms for members of the Board of Public Roads Classifications and Standards.

Finally, I hereby certify that originals of these documents are on file in my office 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 tenth day of January in the year of our Lord, one thousand nine hundred and eighty-three.

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

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1982 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lower Elkhorn	
Attorneys	
Jewell, Otte, Gatz, & Collins	15,160.14
Lobbyists	None
Public Relations Representatives	None
Lower Big Blue	
Attorneys	
Everson, Noble, Wullschleger and Sutter	484.20
L. Joe Stehlik	327.50
Lobbyists	None
Public Relations Representative	None

REPORTS

Received report from Department of Environmental Control showing financial status of Program No. 518, Construction Grants Program in accordance with Section 81-1533.

Received report from Department of Roads of scheduled design, construction and improvement for exterior access roads and interior service roads pursuant to Section 39-1390, R. R. S. 1943.

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, 1983. 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, W. B. - Omaha, Northwestern Bell Telephone Company
Alexander, Hugh - Lincoln, Nelson & Harding
Allan, Marilyn J. Lincoln, Ryan & Williams, P. C.
Andersen, Robert C. - Lincoln, Nebraska Cooperative Council
Anderson, Ferd E., Jr. - Omaha, American Consulting Engineers Council of Nebraska; Nebraska Society of Professional Engineers
Anderson, Robert L. - Lincoln, Association Services, Inc.
Andrews, Dr. Donald - Omaha, Omaha Board of Education
Arfmann, William W. - Lincoln, Nebraska Association of Public Employees
Ayres, Joseph W. - Lincoln, Carpenter, Rex; Quality Health Care Professionals
Bacon, Charles E. - Lincoln, Nebraska Tax Research Council, Inc.
Barry, LeRoy - Omaha, Iowa-Nebraska Farm Equipment Association
Bartee, Robert D. - Omaha, University of Nebraska
Behrens, Galen L. - Adams, Nebraska Rural Letter Carriers' Association
Belz, Paul - Lincoln, Nebraska State Education Association
Berkebile, Philip A. - Lincoln, Nebraska Press Advertising Service
Bokemper, Duane - Lincoln, The American Legion, Department of Nebraska
Botsch, Barbara A. - Omaha, Greater Omaha Chamber of Commerce
Brandt, William B. - Lincoln, Nebraska Bankers Association, Inc.
Brasher, David E. - Des Moines, IA - National Federation of Independent Business
Brown, Ralph H. - Omaha, Brown, Ralph H.
Brown, Ronald L. - Lincoln, Nebraska County Attorneys Association
Brown, Vincent D. - Lincoln, American Petroleum Institute
Buechler, Gerald B., Jr. - Lincoln, Nelson & Harding
Campbell, John C. - Omaha, Greater Omaha Chamber of Commerce
Carpenter, Rex - Lincoln, Nebraska Rural Electric Association

Carstenson, Eric B. - Lincoln, Lincoln Chamber of Commerce
Caswell, Steven R. - Omaha, Commercial Federal Savings & Loan Association
Cavanaugh, Thomas F. - Lincoln, O'Hara & Associates, Inc.
Chambers, David L. - Lincoln, League of Nebraska Municipalities
Chizek, G. E. - Omaha, Northwestern Bell Telephone Company
Christensen, Jeffrey S. - Dannebrog, Communicating for Agriculture
Collins, Richard E. - Omaha, Pro-Law Association of Nebraska
Cook, Marie F. - Omaha, Parents Without Partners, Inc.
Coyne, Brian D. - Lincoln, Nebraska Nuclear Weapons Freeze Campaign
Cromer, Dr. C. A. - Lincoln, Nebraska Advisory Council for Vocational Education
Crosby, Guenzel, Davis, Kessner & Kuester:
Crosby, Robert B. - Lincoln, Better Nebraska Association; Lower Platte South NRD; Nebraska Association of Industrial Loan & Investment Companies
Guenzel, Robert C. - Lincoln, Nebraska Cooperative Council
Crosby, Robert B. - Lincoln, First Federal Savings & Loan Association of Lincoln
Crosier, Donald A. - Lincoln, American Petroleum Institute
Cunningham, James R. - Lincoln, Nebraska Catholic Conference
Cutshall, Bruce A. - Lincoln, Missouri Valley Machinery Company; Nebraska Association of Center Pivot Manufacturers; Nebraska Corn Growers Association; Nebraska Stock Growers Association; Nebraska Thoroughbred Breeders' Association; Nebraska Wheat Growers Association; Noren, Charles F.; Sargent Irrigation Company; Tews & Radcliffe
Davis, Timothy P. - Lincoln, Nebraska Cooperative Council
Dirrim, Delbert E. - Omaha, Omaha Public Power District
Donelson, K. Wayne - Denver, CO, Tesaco, Inc.
Dunlevey, James E. - Lincoln, National Association of Theatre Owners of Nebraska
Fethkenher, Ted L. - Lincoln, Nebraska Association of Homes for the Aging
Fraizer, T. J. - Lincoln, American Insurance Association; Health Insurance Association of America; Mutual of Omaha Insurance Company; United of Omaha Life Insurance Company
Frazier, Lawrence A. - Lincoln, Farmers Mutual Insurance Company of Nebraska
Friedman, Howard B. - Lincoln, Amalgamated Transit Union #1293
Gabelman, Miriam E. - Lincoln, Tews and Radcliffe
Garey, Robert W. - Hastings, Nebraska Funeral Directors Association; Nebraska Veterinary Medical Association
Gilbert, Ann - Lincoln, O'Hara & Associates, Inc.
Gilbert, Jean E. - Lincoln, Nebraskans Against the Death Penalty
Glaess, Mark A. - Lincoln, Nebraska Rural Electric Association
Glenn, Steven V. - Lincoln, Nebraska State Home Builders Association

Goodding, Richard D. - Lincoln, Nebraska Farm Bureau Federation
Gordon, James E. - Lincoln, Nebraska and Omaha Food Retailers Association, Inc.
Graham, M. J. "Bub" - Lincoln, Retail Merchants Association of Nebraska, Inc.
Haessler, John - Lincoln, Woodmen Accident and Life Company
Hale, Susan M. - Lincoln, Nebraska Coalition for Women
Hall, Norma L. - Elmwood, Women Involved in Farm Economics (W.I.F.E.)
Hallstrom, Robert J. - Syracuse, Nebraska Pharmacists Association, Inc.
Hawco, Tom - Lincoln, Nebraska State Association of Life Underwriters
Higgins, Joe - Lincoln, Nebraska State Education Association
Holtgrewe, Theodore A. - Omaha, Finance Committee of Christian Science Committee on Publication
Hopkins, Julian H. - Lincoln, Bankers Life Insurance Company of Nebraska
Horton, Vickie G. - Lincoln, Distilled Spirits Council of the United States
Hoven, Stephen B. - St. Louis, MO, Ozark Airlines/Air Transport Association
Howard, David M. - Lincoln, Nebraska Association of Public Employees; Nebraska State Student Association
Howard, Robert N. - Omaha, Sheet Metal Contractors Association - Omaha and Council Bluffs
Huff, Walt, Jr. - Lincoln, Nebraska Chapter Associated General Contractors
Humpal, John E. - Omaha, Blue Cross, Blue Shield of Nebraska
Hunzeker, Mark A. - Lincoln, Insurance Federation of Nebraska
Jacobsen, Ford K. - Omaha, Metropolitan Utilities District
Jamrog, Jerome J. - Omaha, Commercial Federal Savings and Loan Association
Jennings, Warren E. - Lincoln, Farmers Mutual Insurance Company of Nebraska
Jensen, Martin - Omaha, Brotherhood of Railway and Airline Clerks
Johnson, Joseph E. - Anselmo, National Audubon Society
Johnston, Paul - Lincoln, Nebraska Livestock Feeders Association
Karst, Don R. - St. Paul, MN, 3M Company
Keetle, Roger S. - Lincoln, Nebraska Hospital Association
Kennedy, John W. - Omaha, Central States Health and Life Co. of Omaha
King, Justin P. - Lincoln, Nebraska State School Boards Association
Kinney, Jerry E. - Lincoln, Disabled American Veterans, Dept. of Nebraska
Kissel, Gordon - Lincoln, Nebraska Association of Resource Districts
Knudsen, Berkheimer, Richardson, and Endacott:
Ruth, Larry L. - Lincoln, Bellwood Cooperative Credit Association;

Great Western Sugar Company; National Bank of Commerce Trust and Savings; Nebraska State Bar Association; Nebraska State Home Builders Association; Nebraska Wholesale Suppliers Association

Kratz, Dean G. - Omaha, Nebraska Building Chapter, Associated General Contractors; Nebraska League of Savings & Loan Associations
Kunz, David N. - Lincoln, Nebraska Lodging Association; Nebraska Optometric Association; Nebraska State Association of Life Underwriters
Leland, Kenneth - Lincoln, Veterans of Foreign Wars
Lenihan, John E. - Omaha, United of Omaha Life Insurance Company
Licht, Alice L. - Lincoln, Nebraska Fertilizer & Ag-Chemical Institute; Nebraska Grain & Feed Dealers Association
Lineweber, Ray L. - Omaha, United Transportation Union
Long, Donald P. - Holdrege, The Central Nebraska Public Power & Irrigation District
Lynch, Daniel C. - Omaha, Blue Cross, Blue Shield of Nebraska
Lynch, John - Lincoln, Nebraska State Education Association
Madsen, Teresa I. - Omaha, Nebraska Chapter of Sierra Club
Malone, Marcia L. - Martell, League of Women Voters of Nebraska
Marshall, Robert P. - Lincoln, Nebraska Pharmacists Association
Martin, Richard W. - Lincoln, Nebraska Association of Commerce & Industry
Matzke, Stan, Jr. - Lincoln, Nebraska Bankers Association, Inc.
McDonald, Gordon L. - Omaha, Nebraska State AFL-CIO
McEniry, Glenn J. - Lincoln, Nebraska Association of Commerce & Industry
Merritt, Jack C. - Lincoln, Lancaster County, Nebraska
Messersmith, Rex - Lincoln, Nebraska Livestock Feeders Association
Meyer, Gene - Omaha, Midwest Adoption Triad
Meyer, Gregory G. - Lincoln, Fraternal Order of Police State Lodge
Miesbach, Neal L. - Omaha, Professional Insurance Agents of Nebraska
Mihovk, Donald J. - Council Bluffs, IA, Peoples Natural Gas Company
Mills, Jack D. - Lincoln, Nebraska Association of County Officials
Mohatt, Earl A. - Omaha, Fraternal Order of Police State Lodge
Moors, H. Jack - Lincoln, Financial Institutions of Nebraska
Morgan, James J. - Lincoln, Disabled American Veterans, Dept. of Nebraska
Morton, Glenn W., Jr. - Lincoln, Safety Council of Nebraska
Moulton, William S. - Omaha, Nebraska & Omaha Food Retailers Association
Moylan, James H. - Omaha, Douglas County, Nebraska; Nebraska Independent Bankers Association; Nebraska Licensed Beverage Association

Mulligan, Harry J. - Lincoln, Fraternal Order of State Lodge
Murphy, Lawrence E. - Lincoln, Nebraska Chiropractic Physician Association, Inc.
Noren, Charles F. - Lincoln, ABATE of Nebraska, Inc.; Cutshall, Bruce A.; Independent Insurance Agents of Nebraska; Lincoln Firefighters Association, Local .644; Nebraska Dental Hygienists' Association; Nebraska Motorcycle Dealers Association; Nebraska Society of Professional Psychologists; Nebraska State Association of Firefighters; Nebraska Technical Community College Association
Odgaard, John E. - Lincoln, Nebraska Water Resources Association
Ogea, Julia A. - Lincoln, Upjohn HealthCare Services
O'Hara, Paul V. - Lincoln, Blue Flame Gas Association; Columbus City Schools; First National Bank of Omaha; Grand Island Public Schools; Hastings Public Schools; InterNorth, Inc.; Louis Finocchiaro, Inc.; Nebraska Association of Trial Attorneys; Nebraska Dental Association; Nebraska Municipal Power Pool; Nebraska Railroad Association; Nebraska Soft Drink Association; North Platte School District; Omaha Public Power District
Olson, Merle - Lincoln, Farmers Union of Nebraska
O'Neill, John F. - Lincoln, Lincoln Mutual Life Insurance Company
Orton, Lee - Lincoln, Nebraska Association of Resources Districts
Oxton, Neil - Lincoln, Farmers Union of Nebraska
Partsch, Laura J. - Lincoln, Nebraska Dental Association
Peters, William E. - Lincoln, Burlington Northern, Inc.; The Tobacco Institute
Peterson, Alan E. - Lincoln, Media of Nebraska
Peterson, Bob - Lincoln, Nebraska Council of School Administrators
Peterson, Elizabeth A. - Lincoln, Nebraska Coalition for Women
Pierson, Darwin R. - Columbus, Nebraska Independent Oil & Gas Association
Pierson, David C. - Lincoln, Nebraska Realtors Association
Powell, David W. - Lincoln, Association for Retarded Citizens/Nebraska
Prazan, Jerome J. - Omaha, City of Omaha
Preston, James N. - Lincoln, Nebraska Motor Carriers' Association
Prettyman, Keith A. - Lincoln, Woodmen Accident & Life Company
Ragsdale, John D. - Lincoln, Woodmen Accident & Life Company
Rall, Frank - Lincoln, Nebraska Public Power District
Rasmussen, Dennis - Lincoln, Independent Petroleum Association of Mountain States; Nebraska Academy of Family Physicians; Nebraska Cooperative Council; Nebraska Health Care Association; Nebraska Land Improvement Contractors Association; Nebraska Medical Association
Remington, S. June - Lincoln, Nebraska Chapter of American Physical Therapists Association; Nebraska Congress of Parents and Teachers; Nebraska Council of School Administrators; Nebraska Personnel and Guidance Association; Nebraska School

Psychologists Association; Nebraska Speech Language & Hearing Association

Rex, L. Lynn - Lincoln, League of Nebraska Municipalities

Ross, Barry A. - Lincoln, Nebraska Telephone Association

Rowson, Joseph P. - Lincoln, Lincoln Public Schools

Ryan, James E. - Lincoln, Nebraska Beer Wholesalers Association; Nebraska Liquor Wholesalers Association; Nebraska Public Power District; Police Officers' Association of Nebraska; Thoroughbred Racing Association of Nebraska; 3M

Schimek, DiAnna R. - Lincoln, Nebraska Democratic Party

Schimek, Herbert H. - Lincoln, Nebraska State Education Association

Shaw, Marilynn K. - Lincoln, Nebraska Realtors Association

Sheets, Van Allan - Lincoln, American Federation of State, County & Municipal Employees

Siefkes, Dale E. - Lincoln, Nebraska State School Boards Association

Smith, Dwayne - Columbus, Loup River Public Power District

Snodgrass, Delbert O. - Lincoln, Nebraska Association of Commerce & Industry

Spitz, Clarence E. - Lincoln, Omaha Public Power District

Squire, DeCourcy L. - Lincoln, Nebraskans Against the Death Penalty

Stading, Donald R. - Lincoln, Bankers Life Insurance Company of Nebraska

Stone, Fred R. - Lincoln, Associated Credit Bureaus of Nebraska; Nebraska Collectors Association, Inc.; Retail Merchants Association of Nebraska

Sturner, Peter C. - Lincoln, Midwestern Fire Consultants, Inc.

Sullivan, John L. Lincoln, Nebraska New Car and Truck Dealers Association

Swanson, Paul S. - Milford, Brotherhood of Maintenance of Way Employees

Swanson, William F. - Lincoln, University of Nebraska

Swartz, Jack - Lincoln, Nebraska Association of Commerce & Industry

Tews and Radcliffe:

Radcliffe, Walter H. - Lincoln, Can Manufacturers Institute; Cutshall, Bruce A.; First Class Police Officers Association; Friends of Higher Education; Glass Packaging Institute; Lincoln Telephone & Telegraph Company; Maple Creek Concerned Citizens Association; Media of Nebraska; Motion Picture Association of America, Inc.; Nebraska Cable Communications Association; Nebraska Consumer Credit Association; Nebraska Corn Growers Association; Nebraska Correctional Officers Union; Nebraska Manufactured Housing Institute, Inc.; Nebraska Mortgage Association; Nebraska Occupational Therapy Association; Nebraska Pyrotechnics Association; Nebraska Securities Industries Association; Nebraska Sheriffs' and Peace Officers' Association; Nebraska Society of Certified Public

Accountants; Nebraska Society of Dispensing Opticians; Nebraska Society of Professional Psychologists; Nebraska State Cemetery Association; Nebraskans for the Preservation of Property Rights; Retail Merchants Association of Nebraska, Inc.; Safeway Stores, Inc.; State Troopers Association of Nebraska; Wine Institute

Tews, David D. - Lincoln, Tews & Radcliffe
Thomas, Arnold R. - Lincoln, Nebraska Hospital Association
Thomas, Deborah L. - Lincoln, City of Lincoln
Todd, A. Loy, Jr. - Lincoln, Nebraska Consumer Credit Association; Nebraska Manufactured Housing Institute, Inc.
Triplett, Larry C. - Lincoln, Nebraska Realtors Association
Ullstrom, Galen F. - Lincoln, Lincoln Liberty Life Insurance Company
Valentine, Steve - Omaha, National Electrical Contractors Association
Wall, Sue Ellen - Lincoln, Nebraska Coalition for Women
Walsh, Virginia - Lincoln, Nebraska Coalition for Women
Watson, Carol S. - Lincoln, Bankers Life Insurance Company of Nebraska
Watters, George L. - Lincoln, Nebraska Petroleum Marketers, Inc.
Weber, Kappie - Lincoln, Nebraska Religious Coalition for Abortion Rights
Wells, Stanley A. - Lincoln, Cooperative Service Company
Westling, Don - Omaha, Communications Workers of America, 7400
Wheeler, Calvin W. - Omaha, Mutual of Omaha Insurance Company
Wheeler, Stuart L. - Hastings, Kansas-Nebraska Natural Gas Company, Inc.
White, Betty J. - Lincoln, White, Betty J.
Willis, Larry - Lincoln, Nebraska Vocational Association
Wilson, H. Donald - Omaha, Credit Bureau Services of Omaha
Withem, Ronald E. - Omaha, Mechanical Contractors Association of Omaha
Wylie, William M. - Lincoln, Nebraska Insurance Information Service
Yost, Kurt T. - Lincoln, Mid-America Lumbermens Association
Young, Harry D. - Beatrice, Norris Public Power District
Zabel, Judith K. - Western, Concerned Women for America
Zavodny, Donald - Lincoln, American Federation of State, County and Municipal Employees
Zink, Larry K. - Fairbury, Nebraska Nuclear Weapons Freeze Campaign

ANNOUNCEMENT

Mr. Vickers announced the Education Committee will meet Wednesday, January 12, 1983 at 9:00 a.m. in room 1517.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 114. By DeCamp, 40th District.
This bill introduced on behalf of: Counties participating in lodging program.

A BILL FOR AN ACT relating to the Department of Economic Development; to eliminate a termination date; and to repeal section 81-1264, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 115. By Marsh, 29th District.
This bill introduced on behalf of: Nebraska's dedicated State Employees.

A BILL FOR AN ACT to amend sections 44-1620 and 44-1625, Revised Statutes Supplement, 1982, relating to insurance; to authorize disability insurance coverage for state employees; and to repeal the original sections.

LEGISLATIVE BILL 116. By Barrett, 39th District.
This bill introduced on behalf of: City of Lexington.

A BILL FOR AN ACT relating to certain state property; to provide for the conveyance of easements to the city of Lexington; and to declare an emergency.

LEGISLATIVE BILL 117. By Vickers, 38th District; Sieck, 24th District; Carsten, 2nd District.
This bill introduced on behalf of: People involved in agriculture.

A BILL FOR AN ACT to amend section 9-307, Uniform Commercial Code, relating to secured transactions; to change provisions relating to the protection of buyers; and to repeal the original section.

LEGISLATIVE BILL 118. By Warner, 25th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 60-311, Revised Statutes Supplement, 1982, relating to motor vehicles; to provide for the purchase of license plates; and to repeal the original section.

LEGISLATIVE BILL 119. By Warner, 25th District.
This bill introduced on behalf of: Self.

A BILL FOR AN ACT to amend section 74-424, Reissue Revised Statutes of Nebraska, 1943, relating to railroads; to allow the

Department of Roads to acquire certain property; and to repeal the original section.

LEGISLATIVE BILL 120. By Warner, 25th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 39-1302 and 39-1320.06, Reissue Revised Statutes of Nebraska, 1943, and section 39-1320.01, Revised Statutes Supplement, 1982, relating to signs; to define a term; to harmonize provisions; to authorize certain expenditures; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 121. By Marsh, 29th District.
This bill introduced on behalf of: Timely and efficient case disposal.

A BILL FOR AN ACT to amend section 5-105, Revised Statutes Supplement, 1982, relating to district courts; to increase the number of judges as prescribed; and to repeal the original section.

LEGISLATIVE BILL 122. By DeCamp, 40th District; Kilgarin, 7th District; Wiitala, 31st District; Fowler, 27th District; Wesely, 26th District.
This bill introduced on behalf of: People.

A BILL FOR AN ACT to adopt the Public Service Intervenor Act.

LEGISLATIVE BILL 123. By Chambers, 11th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 83-4,122 and 83-4,123, Reissue Revised Statutes of Nebraska, 1943, relating to penal and correctional institutions; to provide a requirement for a hearing; to provide for judicial review; and to repeal the original sections.

LEGISLATIVE BILL 124. By DeCamp, 40th District; Wesely, 26th D strict; Fowler, 27th District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT relating to energy; to change the powers and duties of the State Energy Office; to change provisions relating to lighting and thermal efficiency standards and school district energy efficiency grants; to change provisions relating to an income tax credit; to amend sections 81-1606, 81-1611, 81-1614, 81-1615, 81-1617, and 81-1620, Reissue Revised Statutes of Nebraska, 1943, and sections 66-1048, 81-1609, 81-1618, 81-1621, and 81-1632, Revised Statutes Supplement, 1982; to repeal the original sections, and also sections 81-1622, 81-1624, and 81-1625, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1619 and 81-1623, Revised Statutes Supplement,

1982.

LEGISLATIVE BILL 125. By Von Minden, 17th District.
This bill introduced on behalf of: People of the State of Nebraska.

A BILL FOR AN ACT relating to public improvements; to amend sections 16-624 and 18-407, Reissue Revised Statutes of Nebraska, 1943, and section 17-510, Revised Statutes Supplement, 1982; to change a provision relating to the creation of improvement districts in cities of the first and second class and villages; and to repeal the original sections.

LEGISLATIVE BILL 126. By Cullan, 49th District; Labedz, 5th District.
This bill introduced on behalf of: people of Nebraska.

A BILL FOR AN ACT relating to postsecondary education; to provide a work-study program for eligible students.

LEGISLATIVE BILL 127. By Cullan, 49th District.
This bill introduced on behalf of: Nebraskans.

A BILL FOR AN ACT to amend section 2-2301, Reissue Revised Statutes of Nebraska, 1943, and sections 2-2302 to 2-2305, 2-2307, and 2-2321, Revised Statutes Supplement, 1982, relating to wheat development; to change provisions relating to membership on a board; to restrict the use of funds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 128. By Cullan, 49th District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT to amend section 57-904, Revised Statutes Supplement, 1982, relating to the Nebraska Oil and Gas Conservation Commission; to increase membership; to change provisions relating to compensation; and to repeal the original section.

LEGISLATIVE BILL 129. By V. Johnson, 8th District; Chambers, 11th District.
This bill introduced on behalf of: Voters of Douglas County, Nebraska.

A BILL FOR AN ACT to amend section 23-151, Revised Statutes Supplement, 1982, relating to county government; to provide for district election of county commissioners as prescribed; to provide an operative date; and to repeal the original section.

EASE

The Legislature was at ease from 10:40 a.m. until 10:54 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 130. By V. Johnson, 8th District.
This bill introduced on behalf of: children.

A BILL FOR AN ACT relating to children; to provide licensing for early childhood programs and facilities; to provide intent; to define terms; to provide duties; to provide for enforcement of orders; to provide for civil penalties; to require a report; to amend sections 71-901 and 71-1901, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1902 and 81-502, Revised Statutes Supplement, 1982; to provide for inspections; to redefine a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 131. By Sieck, 24th District.
This bill introduced on behalf of: Henderson, Nebraska and all cities of the second class in the State of NE.

A BILL FOR AN ACT to amend section 17-107, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the second class; to require the consent of the council for certain mayoral actions; and to repeal the original section.

LEGISLATIVE BILL 132. By Warner, 25th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 59-821 and 59-1609, Reissue Revised Statutes of Nebraska, 1943, relating to monopolies and unlawful combinations; to provide for the disposition of certain damages as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 133. By Newell, 13th District.
This bill introduced on behalf of: City of Omaha.

A BILL FOR AN ACT to amend section 53-124, Reissue Revised Statutes of Nebraska, 1943, relating to liquor; to provide for a license and a fee; and to repeal the original section.

LEGISLATIVE BILL 134. By Pappas, 42nd District.
This bill introduced on behalf of: State Employees.

A BILL FOR AN ACT to amend sections 44-1620 and 44-1627, Revised Statutes Supplement, 1982, relating to insurance; to provide an insurance option to state employees after retirement; to harmonize

provisions; and to repeal the original sections.

LEGISLATIVE BILL 135. By Landis, 46th District; Hannibal, 4th District.
This bill introduced on behalf of: Lincoln and Omaha.

A BILL FOR AN ACT relating to zoning; to define terms; to change zoning powers of certain cities; and to regulate planned unit development.

LEGISLATIVE BILL 136. By Kilgarin, 7th District; DeCamp, 40th District.
This bill introduced on behalf of: Nebraska farmers.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-150, 8-206, and 44-392, Reissue Revised Statutes of Nebraska, 1943, and section 81-885.24, Revised Statutes Supplement, 1982; to prohibit certain real estate and insurance transactions by banks and trust companies as prescribed; to harmonize provisions; to provide for an unfair real estate practice; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 137. By Haberman, 44th District.
This bill introduced on behalf of: betterment of court efficiency.

A BILL FOR AN ACT relating to judicial proceedings; to amend sections 24-517 and 42-348, Reissue Revised Statutes of Nebraska, 1943; to change the jurisdiction of certain actions; and to repeal the original sections.

LEGISLATIVE BILL 138. By Judiciary Committee: Beutler, 28th District, Chairperson; Jacobson, 33rd District; Pirsch, 10th District, R. Johnson, 34th District; Abboud, 12th District; Chronister, 18th District; Von Minden, 17th District.
This bill introduced on behalf of: citizens of Nebraska.

A BILL FOR AN ACT relating to dissolution of marriage; to provide powers and duties of the court; and to repeal section 42-364, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 139. By Law Enforcement Justice Advisory Committee: Beutler, 28th District, Chairperson; Jacobson, 33rd District; Pirsch, 10th District, R. Johnson, 34th District; Abboud, 12th District; Chronister, 18th District; Von Minden, 17th District.
This bill introduced on behalf of: citizens of Nebraska.

A BILL FOR AN ACT to repeal section 39-669.19, Reissue Revised Statutes of Nebraska, 1943, to eliminate a provision relating to

operation of a motor vehicle with a revoked operator's license; and to declare an emergency.

LEGISLATIVE BILL 140. By V. Johnson, 8th District.
This bill introduced on behalf of: the people of the State of Nebraska.

A BILL FOR AN ACT relating to aged persons; to provide for state funding of the Silver Haired Legislature; and to declare an emergency.

LEGISLATIVE BILL 141. By Beutler, 28th District; Vickers, 38th District.
This bill introduced on behalf of: children of Nebraska.

A BILL FOR AN ACT relating to education; to provide for the early transfer of students from high school to an institution of higher education.

LEGISLATIVE BILL 142. By Chronister, 18th District.
This bill introduced on behalf of: the people of Nebraska.

A BILL FOR AN ACT to amend sections 71-177 and 81-197, Reissue Revised Statutes of Nebraska, 1943, relating to chiropractic practice; to redefine terms; to prevent termination of a board of examiners; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 143. By Goodrich, 20th District; L. Johnson, 15th District.
This bill introduced on behalf of: Credit Union Associations.

A BILL FOR AN ACT to amend section 21-17,120.01, Revised Statutes Supplement, 1982, relating to credit unions; to revise the powers of credit unions; and to repeal the original section.

LEGISLATIVE BILL 144. By L. Johnson, 15th District; Goodrich, 20th District.
This bill introduced on behalf of: Savings and Loan League.

A BILL FOR AN ACT to amend section 8-355, Revised Statutes Supplement, 1982, 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 145. By Pirsch, 10th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 60-325, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to change the requirements for display of the registration certificate; and to repeal

the original section.

LEGISLATIVE BILL 146. By Pirsch, 10th District.
This bill introduced on behalf of: Omaha Adoption Committee.

A BILL FOR AN ACT to amend sections 43-102, 43-104, and 43-106, Reissue Revised Statutes of Nebraska, 1943, and section 43-128, Revised Statutes Supplement, 1982, relating to adoption of children; to provide requirements for a foreign-born child's adoption; to change provisions relating to consents; to harmonize provisions; to provide that medical records be available when prescribed; and to repeal the original sections, and also section 43-105, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 147. By Sieck, 24th District.
This bill introduced on behalf of: Retired Federal Employees living in the State of Nebraska.

A BILL FOR AN ACT to amend section 77-3504, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715, Revised Statutes Supplement, 1982, relating to revenue and taxation; to provide an income tax exemption for federal civil service annuities; to modify a definition; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 148. By Remmers, 1st District.
This bill introduced on behalf of: people of Nebraska.

A BILL FOR AN ACT relating to licenses; to allow the licensing of golf course superintendents; to define terms; to create a board; to provide fees; and to provide duties.

LEGISLATIVE BILL 149. By Lamb, 43rd District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT to amend section 54-401, Reissue Revised Statutes of Nebraska, 1943, relating to livestock; to exempt livestock owners from liability as prescribed; and to repeal the original section.

LEGISLATIVE BILL 150. By Fenger, 45th District.
This bill introduced on behalf of: Nebraska League of Municipalities.

A BILL FOR AN ACT to amend section 31-761, Reissue Revised Statutes of Nebraska, 1943, and sections 31-727 and 31-771, Revised Statutes Supplement, 1982, relating to sanitary and improvement districts; to change provisions relating to the organization of a district; to change boundary provisions as prescribed; to change a provision relating to appointing an administrator as prescribed; and to repeal the

original sections.

LEGISLATIVE BILL 151. By Fenger, 45th District.
This bill introduced on behalf of: Voters of Nebraska.

A BILL FOR AN ACT relating to political contributions; to prevent certain persons from making contributions to candidates as prescribed; and to prevent candidates from accepting contributions as prescribed.

LEGISLATIVE BILL 152. By Fenger, 45th District.
This bill introduced on behalf of: Nebraska Electric Industry.

A BILL FOR AN ACT to amend section 70-637, Reissue Revised Statutes of Nebraska, 1943, relating to public power districts; to provide an exception to certain purchasing procedures; and to repeal the original section.

LEGISLATIVE BILL 153. By Labedz, 5th District.
This bill introduced on behalf of: elderly.

A BILL FOR AN ACT to amend sections 77-202.03, 77-3510, 77-3511, 77-3514, 77-3523, and 77-3525, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to change exemption provisions relating to certain personal property; to change provisions relating to homestead exemptions; to provide for application forms; to change notice requirements; to disallow exemptions as prescribed; to provide for the transfer of homestead exemptions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 154. By Vickers, 38th District.
This bill introduced on behalf of: people of Nebraska.

A BILL FOR AN ACT to amend sections 2-955 and 2-963, Reissue Revised Statutes of Nebraska, 1943, relating to noxious weeds; to provide duties; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 155. By DeCamp, 40th District; Goll, 16th District; Pappas, 42nd District; Chronister, 18th District; R. Peterson, 21st District; Clark, 47th District; Beyer, 3rd District; Barrett, 39th District; Doyle, 14th District; Hefner, 19th District; Morehead, 30th District; Von Minden, 17th District; Wiitala, 31st District; Wesely, 26th District; H. Peterson, 35th District.
This bill introduced on behalf of: people of the State of Nebraska.

A BILL FOR AN ACT relating to certain motor vehicles; to define terms; to provide duties for certain motor vehicle manufacturers; and to provide procedures and limitations.

LEGISLATIVE BILL 156. By Schmit, 23rd District.
This bill introduced on behalf of: Ashland Greenwood School Districts.

A BILL FOR AN ACT to amend sections 77-3412, 77-3414, and 77-3422, Reissue Revised Statutes of Nebraska, 1943, relating to budget limitations; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 157. By Schmit, 23rd District; Chronister, 18th District; Wesely, 26th District; R. Johnson, 34th District.
This bill introduced on behalf of: people of Nebraska.

A BILL FOR AN ACT relating to agriculture; to adopt the Grain Storage Act; and to provide penalties.

LEGISLATIVE BILL 158. By Wiitala, 31st District.
This bill introduced on behalf of: citizens.

A BILL FOR AN ACT to amend sections 48-121 and 48-122, Revised Statutes Supplement, 1982, relating to workmen's compensation; to increase compensation limits as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 159. By Goodrich, 20th District.
This bill introduced on behalf of: private colleges.

A BILL FOR AN ACT to amend sections 79-2901, 79-2918, 79-2938, 79-2939, and 79-2943, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to amend the Nebraska Educational Facilities Authority Act; to define a term; to create a program; to provide powers and duties; to create a fund; to provide duties for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 160. By Carsten, 2nd District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 79-201, Reissue Revised Statutes of Nebraska, 1943, relating to education; to change attendance requirements as prescribed; and to repeal the original section.

LEGISLATIVE BILL 161. By Fowler, 27th District; V. Johnson, 8th District.
This bill introduced on behalf of: Dental Assistants.

A BILL FOR AN ACT relating to dentistry; to amend sections 71-113 to 71-116, 71-122.01, 71-183.01, 71-193.13, and 71-193.14, Reissue Revised Statutes of Nebraska, 1943; to provide for the registration of

dental assistants as prescribed; to define terms; to provide intent; to provide for an additional appointment to the Board of Examiners in Dentistry as prescribed; to harmonize provisions; to provide penalties; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 6.

Introduced by Barrett, 39th District; Vickers, 38th District.

A Resolution to propose an amendment to Article VIII, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, of the Constitution of Nebraska, adding a new section thereto, which is hereby proposed by the Legislature:

"Sec. 13. The Legislature may provide by law that each public corporation and political subdivision which, after the effective date of this amendment, acquires real property for the construction of water retention and impoundment structures shall annually make payments in lieu of taxes to the political subdivisions or their successors substantially affected by such acquisition and within which such real property or any portion thereof is located. Such payments in lieu of taxes shall be determined with regard to the use which such real property has at the time of acquisition and without regard to any value which such real property might have for other purposes or uses.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "A constitutional amendment relating to revenue; to authorize payments in lieu of taxes by certain public corporations and political subdivisions constructing water retention and impoundment structures.
> 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.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 7.

Introduced by: Abboud, 12th District; Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Carsten, 2nd District; Chronister, 18th District; Clark, 47th District; Cullan, 49th District; DeCamp, 40th District; Doyle, 14th District; Eret, 32nd District; Fenger, 45th District; Fowler, 27th District; Goll, 16th District; Goodrich, 20th District; Hannibal, 4th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; Jacobson, 33rd District; L. Johnson, 15th District; R. Johnson, 34th District; Kahle, 37th District; Kilgarin, 7th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Lundy, 36th District; Marsh, 29th District; Morehead, 30th District; Newell, 13th District; Nichol, 48th District; Pappas, 42nd District; H. Peterson, 35th District; R. Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rupp, 22nd District; Schmit, 23rd District; Sieck, 24th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District; Wiitala, 31st District.

WHEREAS, Fannie M. Haberman was a long-time resident of the Hastings area; and

WHEREAS, Mrs. Haberman was a loving wife and mother; and

WHEREAS, at age 91 Mrs. Haberman departed from this life on January 1, 1983.

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

1. That the members of the Legislature express their sympathy to the family of Fannie M. Haberman.

2. That a copy of this resolution be presented to her son, Senator Rex Haberman on behalf of the Haberman family as an expression of regret for his mother's passing.

Laid over.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Chambers asked unanimous consent to have his name added as co-introducer to LB 122. No objections. So ordered.

Mrs. Higgins asked unanimous consent to have her name withdrawn as co-introducer to LB 96E. No objections. So ordered.

Mr. H. Peterson asked unanimous consent to have his name added as co-introducer to LB 50. No objections. So ordered.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the following amended report on the referral of legislative bills: LB 6 from Revenue to Education and LB 39 from Revenue to Education.

The Executive Board also submits the attached report on the referral of legislative bills 89 through 113, inclusive, and LRs 3, 4, and 5, for the approval of the Nebraska State Legislature.

LB	Committee
89	Revenue
90	Education
91	Education
92	Miscellaneous Subjects
93	Public Health and Welfare
94	Urban Affairs
95	Banking, Commerce and Insurance
96	Public Works
97	Government, Military & Veterans Affairs
98	Public Works
99	Education
100	Public Works
101	Revenue
102	Revenue
103	Education
104	Constitutional Revision & Recreation
105	Revenue
106	Education
107	Judiciary
108	Government, Military & Veterans Affairs
109	Business & Labor
110	Judiciary
111	Banking, Commerce and Insurance
112	Public Health and Welfare
113	Public Health and Welfare
6	Education
39	Education

LR	Committee
3	Constitutional Revision and Recreation
4	Constitutional Revision and Recreation
5	Constitutional Revision and Recreation

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

BILLS ON FIRST READING

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

LEGISLATIVE BILL 162. By Goodrich, 20th District.
This bill introduced on behalf of: Games and Parks.

A BILL FOR AN ACT to amend section 37-203, Reissue Revised Statutes of Nebraska, 1943, relating to game and parks; to increase the issuing fee for certain permits as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 163. By Goodrich, 20th District.
This bill introduced on behalf of: Games and Parks.

A BILL FOR AN ACT to amend section 81-814.01, Reissue Revised Statutes of Nebraska, 1943, relating to the Game and Parks Commission; to increase the maximum amount allowed in certain change cash funds; to repeal the original section; and to declare an emergency.

UNANIMOUS CONSENT - Member Excused

Mr. Clark asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

MOTION - Adopt Rules

Mr. Hoagland moved to adopt the permanent rules.

Mr. Wesely offered the following rule changes:

1. Bills returned from the Governor. Amend Rule 7, Sec. 7 by adding new subsection as follows:

(e) Whenever a bill is returned from the Governor for further action pursuant to the Legislature's request for such return, motions for reconsideration necessarily incident to opening a bill for further action shall be admitted regardless of the time limitation otherwise imposed by this rule.

Explanation: Clarifies that the Legislature may request that a bill be returned from the Governor for technical corrections at any time before the Governor takes action.

2. Clarify Final Committee Action. Amend Rule 3, Sec. 16 as follows:

Sec. 16. Indefinitely Postponed Bills. If the committee ~~report~~ action on

a bill be to postpone indefinitely, the bill shall stand indefinitely postponed.

Explanation: This change makes it consistent in the rules that a bill is considered indefinitely postponed when the committee votes (unless later reconsidered by the committee), rather than when the committee report is filed.

3. Germaneness. Amend Rule 7, Sec. 3(d) as follows:

(d) No motion, proposition, or subject, different from that under consideration, shall be admitted under color of amendment. Any amendment that is not germane is out of order. Germane amendments relate only to details of the specific subject of the bill and must be in a natural and logical sequence to the subject matter of the original proposal. A nongermane amendment includes one that relates to a substantially different subject or accomplishes substantially different purpose than that of the original bill to which it is proposed.

And amend Rule 1, Sec. 12 as follows:

Sec. 12. ~~President Decide Order of Speaking.~~ Challenge of Ruling of the Chair. 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, except that if the Chair is challenged on the question of germaneness, a three-fifths majority shall be required to overrule the Chair.

Explanation: This rule change first provides a definition of germaneness and second, provides that a challenge to the chair's decision on germaneness requires a 3/5 vote instead of a majority of those present.

4. Explanation of Votes. Amend Rule 2, Sec. 5 as follows:

Sec. 5. Absent Members, Explanation of Vote. ~~Absent~~ Members who are shown as excused and not voting may have inserted into the Journal how they would have voted had they been present.

Explanation: Requires that senators be recorded as excused to insert an explanation of how they would have voted into the Journal.

5. Priority Bills. Amend Rule 5, Sec. 6 as follows:

(b) Each ~~standing committee~~ chairperson of those committees which are authorized to hold public hearings on bills may designate two of the committee's bills as priority bills.

(c) The Speaker may designate ~~any~~ up to 25 additional ~~number of~~ priority bills.

(h) Priority bills shall generally be considered ahead of all other bills at each stage of debate, except that priority bills requiring the expenditure of appropriated funds ~~may~~ shall be held on final reading until such time as the annual appropriations bills have been passed. A priority bill which fails to advance after two votes on general file, or after one vote on select file, shall return to nonpriority status.

Explanation: These changes (1) broaden the committees which may designate priority bills; (2) limit the Speaker to 25 priority bills; and (3) require that all A-bills must be held for final passage until after the annual appropriations bills have passed.

8. Public Hearings. Amend Rule 3, Sec. 12 as follows:

Sec. 12. Public Hearing, Notice. Before taking final action on a bill or resolution, a committee shall hold a public hearing thereon and shall give at least seven calendar days' notice, after the bill shall have been printed, by publication in the Legislative Journal. No bill having been set for public hearing shall be withdrawn nor the hearing cancelled within seven calendar days of the date set for 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~~.

Amend Rule 7, Sec. 1 as follows:

...The Legislature shall in odd-numbered years, after the period allowed for the introduction of bills, recess for five (5) calendar days. During such recess committees shall prepare, for public distribution, a calendar of hearing dates. No committee hearings shall be held ~~during~~ until after the recess provided for in this section....

Explanation: The first part of this rule change standardizes hearing notice provisions to require 7 calendar days notice throughout the session. The second part clarifies that no hearings may be held until after the 5 day recess following the introduction of bills during the odd-numbered years. The intent of this rule change is to allow legislators and the public adequate time to familiarize themselves with legislation introduced at the beginning of the session.

10. Referencing of Resolutions. Amend Rule 4, Sec. 8 as follows:

Sec. 8. Reference to Committee. Resolutions other than those covered by Secs. 2 and 3 of this rule shall ~~may~~ be referred to the Executive Board for referencing to the appropriate committee upon a written request signed by 10 members of the Legislature ~~a committee if a motion to do so is adopted by a majority of the elected members~~.

Explanation: This rule change permits resolutions to be referred to a committee at the request of 10 senators, rather than by a majority vote.

Mr. Chambers offered the following amendment:

Amend proposal No. 3 (Germaneness):

Sec. 12 - strike new language in last 3 lines beginning with "except".

The Chambers amendment was adopted with 33 ayes, 7 nays, 8 present and not voting, and 1 excused and not voting.

Mr. Chambers offered the following amendment:

Amend proposal #10: Strike new language.

Mr. Chambers requested a ruling of the Chair on the number of votes required to adopt an amendment to the Wesely amendment.

The Chair ruled that Rule 2, Section 1 requires twenty-five votes on the adoption.

The Chambers amendment was adopted with 25 ayes, 14 nays, 9 present and not voting, and 1 excused and not voting.

RECESS

At 12:13 p.m., on a motion by Mr. Hannibal, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:38 p.m., President McGinley presiding.

ROLL CALL

The roll was called and all members were present except Mr. Clark who was excused; and Messrs. Chambers, Cullan, Fowler, V. Johnson, Landis, Newell, and Wiitala who were excused until they arrive.

ANNOUNCEMENTS

Mr. Hefner announced an executive session of the Miscellaneous Subjects Committee at 2:00 p.m. today under the north balcony.

Mrs. Labedz announced the Constitutional Revision and Recreation Committee previously scheduled to meet in Room 1019 will meet in the West Senate Lounge at 2:00 p.m.

Mr. DeCamp announced the Banking, Commerce, and Insurance Committee organizational meeting that was scheduled for 12:00 noon today has been cancelled and has been rescheduled for 9:00 a.m. January 12, 1983.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Wagner asked unanimous consent to have his name added as co-introducer to LB 50. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 164. By Vickers, 38th District; Chambers, 11th District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT relating to political contributions; to prohibit the making or acceptance of contributions by political parties to legislative campaigns; and to provide penalties.

MOTION - Adopt Rules

Mr. Beutler moved to adopt the proposed rule changes as amended.

The motion prevailed with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

Mr. Wesely offered the following rule change:

6. Clarify Language in Rule 5, Introduction of Bills. Amend Rule 5 by replacing section 4 and 5(a), (b) and (c) with the following language, amending subsection (d) and adding subsection (f):

Sec. 4. Introduction of Bills.

(a) Members shall introduce only such bills as they are willing to endorse and support personally. The last name and district shall be

used, unless an initial or name is necessary to identify the introducer.

(b) 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.

(c) No bill shall be introduced after the tenth legislative day of any session, except:

1. "A" bills, appropriation bills and bills introduced at the request of the Governor may be introduced at any time;

2. A standing committee or special committee may request that the Legislature consider introduction of a bill. A vote of three-fifths of the elected members of the Legislature shall be required for such bill to be introduced, and a copy of the statement of intent for such bill must be placed on each member's desk before introduction of the bill is voted upon.

(d) Individual members shall not be limited as to bill introduction. Each committee shall be limited to 8 bills each session. 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 8 bill limit a four-fifths vote shall be required.~~ Bills introduced under Rule 5, Sec. 3(a) and bills introduced at the request of the Governor will not be included in the limitation.

(e) No change.

(f) New section: The introducers of all bills must submit a statement of intent for each bill to the appropriate committee chairperson at least 24 hours prior to the bill's hearing. The statement of intent should discuss clearly and completely the purposes and effects of the bill.

Explanation: Rule 5 has been re-written to clarify several sections; no substantive changes are made. Section (d) removes ineffective language requiring a 4/5 vote, since this rule could be suspended with 30 votes anyway.

Mr. Lamb offered the following amendment to the Wesely proposed rule change:

Amend Rule 5, sec. 5(d) as follows:

(d) ~~Individual members shall not be limited as to bill introduction.~~

For the 1984 Legislative Session and all subsequent Legislative Sessions each member shall be limited as an introducer to a total of 10 bills for

each session. Each committee shall be limited as an introducer to a total of ~~8~~ 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 ~~8~~ 10 bill limit a four-fifths vote shall be required. Bills introduced under Rule 5, Sec. 3(a) and bills introduced at the request of the Governor will not be included in this limitation.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?"

Mrs. Marsh moved for a Call of the House. The motion prevailed with 17 ayes, 4 nays, and 28 not voting.

The motion to cease debate lost with 23 ayes, 9 nays, and 17 not voting.

Mr. Lamb requested a record vote on his amendment.

Voting in the affirmative, 20 :

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Doyle	Fenger	Hefner	Johnson, L.
Kahle	Lamb	Lundy	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Sieck	Von Minden

Voting in the negative, 25 :

Chambers	DeCamp	Eret	Goll	Haberman
Hannibal	Higgins	Hoagland	Jacobson	Johnson, R.
Johnson, V.	Kilgarin	Labedz	Landis	Marsh
Morehead	Newell	Nichol	Rupp	Schmit
Vickers	Wagner	Warner	Wesely	Wiitala

Present and not voting, 2 :

Fowler Goodrich

Excused and not voting, 2 :

Clark Cullan

The Lamb amendment lost with 20 ayes, 25 nays, 2 present and not voting, and 2 excused and not voting.

The Wesely proposed rule change was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Mr. Wesely offered the following proposed rule change:
7. Revised Committee Statements. Amend Rule 3, Sec. 17 by adding a new subsection as follows:

(d) When a bill is advanced to E & R for engrossment and it has been significantly amended on General File or Select File, then the chairperson of the committee which heard the bill shall direct staff to prepare a revised committee statement summarizing the bill as amended, and to file the statement with the Clerk of the Legislature within 2 legislative days for distribution to each senator.

Explanation: Committee statements are prepared when a bill is advanced to the floor of the Legislature but are never changed even when a bill is significantly amended on General File or Select File. This rule change would require that just as fiscal notes are updated to reflect changes in a bill's fiscal impact, committee statements must be updated to reflect changes in a bill's impact.

Mr. Wagner offered the following amendment to the Wesely proposed rule change:

Amend the 7th amendment to the rules, as follows:

After the word "the" and before "statement" in the fourth line, insert the word "revised."

The Wagner amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Mr. Wesely moved for a Call of the House. The motion prevailed with 21 ayes, 12 nays, and 16 not voting.

Mr. Wesely requested a roll call vote on his proposed rule change.

Voting in the affirmative, 24 :

Abboud	Beutler	Chambers	Chronister	DeCamp
Doyle	Eret	Fowler	Hannibal	Higgins
Hoagland	Johnson, R.	Kahle	Kilgarin	Lamb
Landis	Lundy	Marsh	Morehead	Rupp
Schmit	Wagner	Wesely	Wiitala	

Voting in the negative, 23 :

Barrett	Beyer	Carsten	Fenger	Goll
Goodrich	Haberman	Hefner	Jacobson	Johnson, L.

Johnson, V.	Labedz	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Sieck
Vickers	Von Minden	Warner		

Excused and not voting, 2 :

Clark Cullan

The Wesely proposed rule change (7) as amended lost with 24 ayes, 23 nays, and 2 excused and not voting.

Mr. Wesely offered the following proposed rule change:

9. Suspension of the Rules. Amend Rule 2, Sec. 2 as follows:

Sec. 2. These rules may only be suspended by a ~~three-fifths~~ two-thirds 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.

Explanation: This changes the votes required to suspend the rules from 30 to 33 votes.

Mr. Wesely asked unanimous consent to withdraw his proposed rule change. No objections. So ordered.

Mr. Nichol offered the following proposed rule change:

Amend Rule 7, Section 1 to read as follows:

Section 1. Meeting Time, Restrictions.(a) The Legislature shall meet annually at 10:00 a.m. on the first Wednesday after the first Monday in January of each year and thereafter on each legislative day at 9:00 a.m., and adjourn not later than 1:00 p.m., unless otherwise ordered by a majority vote of its members present and voting thereon. The Legislature shall in odd-numbered years, after the period allowed for the introduction of bills, recess for ~~five (5)~~ four (4) calendar days. During such recess committees shall prepare, for public distribution, a calendar of hearing dates. No committee hearings shall be held during the recess provided for in this section. The Legislature shall remain in session until it shall adjourn sine die, but in no event shall it remain in session for longer than ninety (90) legislative days in odd-numbered years or sixty (60) legislative days in even-numbered years. This limitation may be suspended by a four-fifths vote of the elected senators.

The Nichol rule change was adopted with 36 ayes, 1 nay, 10 present and not voting, and 2 excused and not voting.

Mr. Remmers offered the following proposed rule change:
Amend Rule 6, Section 3, by adding the following new subsection:
(J) No bill shall be amended on Select File unless such amendment is signed by five Senators.

Mr. Barrett 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. Remmers requested a record vote on his proposed rule change.

Voting in the affirmative, 20 :

Abboud	Beyer	Carsten	Chronister	Doyle
Fenger	Higgins	Jacobson	Johnson, L.	Kahle
Labedz	Lamb	Lundy	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Sieck	Von Minden

Voting in the negative, 18 :

Barrett	Beutler	Chambers	Haberman	Hannibal
Hoagland	Kilgarin	Landis	Marsh	Morehead
Nichol	Pappas	Schmit	Vickers	Wagner
Warner	Wesely	Wiitala		

Present and not voting, 9 :

DeCamp	Eret	Fowler	Goll	Goodrich
Hefner	Johnson, R.	Johnson, V.	Newell	

Excused and not voting, 2 :

Clark	Cullan

The Remmers proposed rule change lost with 20 ayes, 18 nays, 9 present and not voting, and 2 excused and not voting.

Mr. Hoagland offered the following proposed rule change:
To amend Rule 5, Section 5, by striking subsection (e).

The Hoagland proposed rule change was adopted with 27 ayes, 13 nays,

7 present and not voting, and 2 excused and not voting.

Mr. Hoagland moved to adopt as our permanent Rules, the Rules in effect for the 87th Legislature, 2nd Session, as amended today, January 11, 1983.

The motion prevailed with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

ANNOUNCEMENTS

Mr. Schmit announced the Public Works Committee will have an organizational meeting at 9:45 a.m., Wednesday, January 12, 1983 in Senator Schmit's office.

Mr. Fowler announced there will be an Executive Session of the Nebraska Retirement Systems Committee on Wednesday, January 12, at 10:30 a.m., under the north balcony of the Legislative Chambers.

Mr. Beutler announced the Judiciary Committee elected Mrs. Pirsch as Vice Chairperson.

Mrs. Labedz announced the Constitutional Revision and Recreation Committee elected Mr. Sieck as Vice Chairperson.

Mr. Hefner announced the Miscellaneous Subjects Committee elected Mr. Barrett as Vice Chairperson.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 165. By Goodrich, 20th District.
This bill introduced on behalf of: People of Nebraska.

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

LEGISLATIVE BILL 166. By Newell, 13th District; V. Johnson, 8th District; Eret, 32nd District; Hoagland, 6th District; Wiitala, 31st District; Sieck, 24th District; Landis, 46th District; Carsten, 2nd District; Pappas, 42nd District; Von Minden, 17th District; Doyle, 14th District; Wesely, 26th District.
This bill introduced on behalf of: Nebraska taxpayers.

A BILL FOR AN ACT to amend sections 39-6,131, 39-6,131.03,

39-6,131.04, 39-6,131.05, and 39-6,131.07, Revised Statutes Supplement, 1982, relating to equipment of vehicles; to allow use of studded or spiked tires as prescribed; to provide for a fee; to repeal the original sections, and also section 39-6,131.02, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 167. By Pirsch, 10th District.
This bill introduced on behalf of: Police Officers Association of Nebraska.

A BILL FOR AN ACT relating to the rules of the road; to amend sections 29-424 and 39-669.22, Reissue Revised Statutes of Nebraska, 1943, and section 60-411, Revised Statutes Supplement, 1982; to provide duties for persons with driver's licenses; to provide for a temporary driver's license in certain instances; to provide procedures through which a driver's license may be impounded; to provide a penalty; to provide duties for peace officers; to provide duties for courts; to modify license renewal requirements as prescribed; to repeal the original sections; and to declare an emergency.

ANNOUNCEMENTS

Mr. Warner announced the Appropriations Committee elected Mr. L. Johnson as Vice Chairperson.

Mr. Carsten announced the Revenue Committee elected Mr. Hefner as Vice Chairperson.

ADJOURNMENT

At 3:47 p.m., on a motion by Mr. Eret, the Legislature adjourned until 9:00 a.m., Wednesday, January 12, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTH DAY - JANUARY 12, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 12, 1983

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Pastor Gale Baldridge, First Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Newell, Warner, and Mrs. Marsh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 109, line 32, correct spelling of "Texaco."
Page 110, after line 43, add Kenny, Philip T. - Omaha, Nebraska Railroad Association
The Journal for the Fourth Day was approved as corrected.

COMMUNICATION

January 6, 1983

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, 1983, to the first Thursday after the first Tuesday of January, 1987, The American Insurance Company, surety, was filed in this office on January 6, 1983.

Witness my hand and official seal this 6th day of January, 1983.

Sincerely,
(Signed) Clifton A. Sexton, Jr., Director
Administrative Services

CAS:ms

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1982 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Nemaha	
Steven Seglin	9,440.34
Simon Lantzy	6,543.37
Steve Mercure	215.00

EXECUTIVE BOARD REPORT

January 11, 1983

The Executive Board approved the following assignments to Special Committees:

Education Commission of the States
- Senator Vickers, Chairperson
- Senator Hoagland
- Senator Lamb
- Senator Wiitala

Nebraska Retirement Systems Committee
- Senator Fowler, Chairperson
- Senator Schmit
- Senator Vickers
- Senator Wesely
- Senator Goodrich
- Senator Warner

Telecommunications
- Senator Clark, Chairperson
- Senator Chronister
- Senator Goodrich
- Senator Lundy
- Senator R. Peterson
- Senator Sieck
- Senator Wesely

Senator Wiitala

Building Maintenance Committee
Senator Wagner, Chairperson
Senator L. Johnson
Senator Kahle
Senator H. Peterson

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

BILLS ON FIRST READING

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

LEGISLATIVE BILL 168. By Wiitala, 31st District.

A BILL FOR AN ACT relating to mobile homes; to adopt the Mobile Home Park Bill of Rights Act; to provide for severability; and to provide an operative date.

LEGISLATIVE BILL 169. By Newell, 13th District; Kilgarin, 7th District.

A BILL FOR AN ACT to amend section 77-2715.01, Revised Statutes Supplement, 1982, relating to revenue and taxation; to provide for the setting of income and sales tax rates by the Legislature; to provide procedures; and to repeal the original section and also section 77-2715.03, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715.02, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 170. By Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Sieck, 24th District; Jacobson, 33rd District; Rupp, 22nd District; Abboud, 12th District; Fowler, 27th District; Carsten, 2nd District.

A BILL FOR AN ACT to amend section 37-215.03, Reissue Revised Statutes of Nebraska, 1943, and section 37-216.01, Revised Statutes Supplement, 1982, relating to limited permits; to change provisions relating to such permits; to authorize such permits for antelope and wild turkeys; to establish fees; to provide an exception to habitat stamp requirements; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 171. By Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Sieck, 24th District; Jacobson, 33rd District; Rupp, 22nd District; Abboud, 12th District; Fowler, 27th District.

A BILL FOR AN ACT relating to the State Recreation Road Fund; to amend sections 39-2402 and 60-302, Revised Statutes Supplement, 1982; to increase motor vehicle registration fees; to provide for placement of increased fees in the State Recreation Road Fund; and to repeal the original sections.

LEGISLATIVE BILL 172. By L. Johnson, 15th District.

A BILL FOR AN ACT to amend section 66-618, Reissue Revised Statutes of Nebraska, 1943, relating to special fuel dealers; to change provisions relating to permits as prescribed; to repeal the original section.

LEGISLATIVE BILL 173. By Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Sieck, 24th District; Jacobson, 33rd District; Rupp, 22nd District; Abboud, 12th District; Fowler, 27th District; Carsten, 2nd District.

A BILL FOR AN ACT to provide for lifetime hunting and fishing licenses; to provide for fees; to provide for rules and regulations; and to provide an operative date.

LEGISLATIVE BILL 174. By Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Sieck, 24th District; Jacobson, 33rd District; Rupp, 22nd District; Abboud, 12th District; Fowler, 27th District.

A BILL FOR AN ACT to amend sections 37-216.02 to 37-216.09, Reissue Revised Statutes of Nebraska, 1943, and section 37-213, Revised Statutes Supplement, 1982, relating to game and parks; to establish a requirement for trout stamps; to provide powers and duties for the Game and Parks Commission; to provide a penalty; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 175. By Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Sieck, 24th District; Jacobson, 33rd District; Rupp, 22nd District; Abboud, 12th District; Fowler, 27th District; Carsten, 2nd District.

A BILL FOR AN ACT to amend section 37-215, Revised Statutes Supplement, 1982, relating to permits to hunt; to provide for establishment of special depredation hunting seasons for deer; to provide procedures; and to repeal the original section.

LEGISLATIVE BILL 176. By L. Johnson, 15th District; Labedz, 5th District.

A BILL FOR AN ACT relating to bingo; to amend sections 9-125,

9-141 to 9-143, 9-156, 9-158, 9-160, 9-165, 9-173, and 9-174, Revised Statutes Supplement, 1982; to define a term; to eliminate the state licensing of bingo; to provide for local licensing of bingo; to eliminate duties of the State Treasurer; to harmonize provisions; and to repeal the original sections, and also sections 9-130, 9-164, 9-166, and 9-169, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 177. By Clark, 47th District.

A BILL FOR AN ACT to amend section 8-147, Revised Statutes Supplement, 1982, relating to banks and banking; to eliminate a restriction on the transfer of certain assets; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 178. By Clark, 47th District.

A BILL FOR AN ACT to amend section 9-408, Uniform Commercial Code, relating to secured transactions; to change provisions relating to the size of filed instruments; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 179. By Pappas, 42nd District; Vickers, 38th District.

A BILL FOR AN ACT relating to railroads; to define terms; to establish certain equipment Requirements for cabooses and engines; and to provide a penalty.

LEGISLATIVE BILL 180. By H. Peterson, 35th District.

A BILL FOR AN ACT relating to county jails; to allow certain counties to establish a community work force program; to provide for the administration of such program; and to declare an emergency.

LEGISLATIVE BILL 181. By Hefner, 19th District; Eret, 32nd District.

A BILL FOR AN ACT to amend section 2-3316, Reissue Revised Statutes of Nebraska, 1943, relating to soybean development; to change the assessment of a fee as prescribed; and to repeal the original section.

LEGISLATIVE BILL 182. By Barrett, 39th District.

A BILL FOR AN ACT to amend sections 81-885.01 to 81-885.07, 81-885.09 to 81-885.15, 81-885.17 to 81-885.20, 81-885.22, 81-885.25, 81-885.28, 81-885.29, 81-885.33 to 81-885.35, 81-885.38, 81-885.43, 81-885.44, 81-885.46, and 81-885.47, Reissue Revised Statutes of

Nebraska, 1943, and section 81-885.24, Revised Statutes Supplement, 1982, relating to real estate licenses; to harmonize provisions; to change the powers of the State Real Estate Commission; to change fees; to change provisions relating to nonresident licenses, unfair trade practices, and hearings; to rename an act; and to repeal the original sections.

LEGISLATIVE BILL 183. By Pirsch, 10th District.

A BILL FOR AN ACT to amend section 29-2203, Revised Statutes Supplement, 1982, relating to criminal procedure; to change provisions relating to the burden of proof in certain cases; and to repeal the original section.

LEGISLATIVE BILL 184. By Pirsch, 10th District.

A BILL FOR AN ACT to amend section 53-160, Revised Statutes Supplement, 1982, relating to liquors; to create the Crime Victim's Cash Fund; to provide for the distribution of such fund; to provide the revenue for such fund; and to repeal the original section.

LEGISLATIVE BILL 185. By Barrett, 39th District.

A BILL FOR AN ACT to amend section 48-115, Revised Statutes Supplement, 1982, relating to workmen's compensation; to eliminate a waiver of coverage for certain executive officers of corporations; and to repeal the original section.

LEGISLATIVE BILL 186. By Beutler, 28th District.

A BILL FOR AN ACT to amend sections 79-201, 79-204, 79-205, and 79-206, Reissue Revised Statutes of Nebraska, 1943, relating to compulsory education; to change age limits as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 187. By Wagner, 41st District.

A BILL FOR AN ACT to amend section 39-6,177, Revised Statutes Supplement, 1982, relating to rules of the road; to change width restrictions for certain combines as prescribed; and to repeal the original section.

LEGISLATIVE BILL 188. By Wagner, 41st District.

A BILL FOR AN ACT to amend section 2-104, Uniform Commercial Code, relating to sales; to change provisions relating to merchants; and to repeal the original section.

LEGISLATIVE BILL 189. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to public defenders; to amend sections 29-1804 and 29-1805.06, Reissue Revised Statutes of Nebraska, 1943; to prohibit certain representations by such attorneys; and to repeal the original sections.

EASE

The Legislature was at ease from 9:25 a.m. until 9:55 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 190. By Beyer, 3rd District.

A BILL FOR AN ACT to amend section 28-1115, Reissue Revised Statutes of Nebraska, 1943, relating to crimes and punishments; to exempt certain lotteries, raffles, and gift enterprises from awarding mandatory prizes; and to repeal the original section.

LEGISLATIVE BILL 191. By Beyer, 3rd District.

A BILL FOR AN ACT to amend sections 31-409, and 31-441, Reissue Revised Statutes of Nebraska, 1943, relating to certain drainage districts; to authorize an alternative procedure for election of board members; to provide duties; to harmonize provisions; to repeal the original sections, and also section 31-428, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 192. By Revenue Committee: Carsten, 2nd District, Chairperson; Landis, 46th District; Hefner, 19th District; Hannibal, 4th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 81-638, Reissue Revised Statutes of Nebraska, 1943, and section 77-2602, Revised Statutes Supplement, 1982; to modify cigarette tax rates; to eliminate a required appropriation; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 193. By Revenue Committee: Carsten, 2nd District, Chairperson; Landis, 46th District; Hefner, 19th District; Sieck, 24th District; Hannibal, 4th District; Pappas, 42nd District; Lundy, 36th District; V. Johnson, 8th District.

A BILL FOR AN ACT to amend sections 77-624, 77-625, 77-628, 77-629, 77-630, 77-631, 77-631.02, 77-1249, and 77-1250, Reissue

Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to change provisions relating to certain railroad and air carrier taxes; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 194. By Revenue Committee: Carsten, 2nd District, Chairperson; Landis, 46th District; Hefner, 19th District; Sieck, 24th District; Hannibal, 4th District; Pappas, 42nd District; V. Johnson, 8th District; Lundy, 36th District.

A BILL FOR AN ACT to amend sections 76-901, 76-902, and 76-903, Reissue Revised Statutes of Nebraska, 1943, relating to the Documentary Stamp Act; to redefine terms; to clarify exemptions; to clarify duties of the register of deeds; and to repeal the original sections.

LEGISLATIVE BILL 195. By Revenue Committee: Carsten, 2nd District, Chairperson; Landis, 46th District; Hefner, 19th District; Sieck, 24th District; Hannibal, 4th District; Pappas, 42nd District; Lundy, 36th District; V. Johnson, 8th District.

A BILL FOR AN ACT to amend sections 77-3503, 77-3508, 77-3509, 77-3511, 77-3512 to 77-3515, 77-3527, and 77-3529, Reissue Revised Statutes of Nebraska, 1943, relating to homestead exemptions; to provide additional procedures and requirements; to define a term; to authorize qualification for an alternate exemption; and to repeal the original sections.

LEGISLATIVE BILL 196. By Revenue Committee: Carsten, 2nd District, Chairperson; Hefner, 19th District; Landis, 46th District; Sieck, 24th District; Hannibal, 4th District; Pappas, 42nd District; Lundy, 36th District; V. Johnson, 8th District.

A BILL FOR AN ACT to amend sections 77-2702 and 77-2703, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to define a term; to provide for a sales tax on certain gross receipts; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 197. By Higgins, 9th District.

A BILL FOR AN ACT relating to consumer reporting agencies; to require agencies to provide copies of consumer reports as prescribed; and to provide a penalty.

LEGISLATIVE BILL 198. By Kahle, 37th District; Sieck, 24th District; H. Peterson, 35th District; Goodrich, 20th District; Warner, 25th District; Beyer, 3rd District; Wagner, 41st District; DeCamp, 40th District; Clark, 47th District; Jacobson, 33rd District; Schmit, 23rd District.

A BILL FOR AN ACT to amend sections 46-233, 46-240, 46-241, and 46-242, Reissue Revised Statutes of Nebraska, 1943, and sections 33-105 and 46-202, Revised Statutes Supplement, 1982, relating to water resources; to state intent; to define terms; to prescribe fees; to provide for permits and modification of permits for incidental and intentional underground water storage; to change provisions relating to permits; to authorize the levying and collection of fees and assessments; to authorize the use of injunctions; to provide duties; to provide for severability; and to repeal the original sections.

LEGISLATIVE BILL 199. By Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Sieck, 24th District; Jacobson, 33rd District; Rupp, 22nd District; Abboud, 12th District; Fowler, 27th District.

A BILL FOR AN ACT to amend sections 37-1105 and 37-1111, Revised Statutes Supplement, 1982, relating to park entry permits; to increase a fee; to change a penalty; to provide an operative date; and to repeal the original sections.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 4
January 10, 1983

Dear Senator Pappas:

You have inquired whether, in our opinion, new legislation would be appropriate to allow records of the State of Nebraska Department of Correctional Services (DCS) to be made available to local school districts for the purposes of ascertaining what testing, training and education have been made available to a juvenile while in DCS custody. We believe that such legislation would certainly clarify the situation and therefore be appropriate.

Your letter calls our attention to an informal opinion of this office dated August 19, 1977, concerning an interpretation of Neb.Rev.Stat. §83-178 (Reissue 1981). That opinion concludes that "other state agencies having a legitimate interest in an inmate file" can have access under §83-178 to information contained in DCS files. However, since your area of concern does not involve state agencies but local political subdivisions and further involves, we assume, only juveniles, we believe it would be best to contemplate the enactment of new legislation or the amendment of present legislation to obtain the goals you have expressed.

Very truly yours,
PAUL L. DOUGLAS
Attorney General

(Signed) J. Kirk Brown
Assistant Attorney General

JKB:pjs
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 5
January 10, 1983

Dear Senator Wiitala:

This will acknowledge our receipt of your letter of January 5, 1983. In that letter you ask if a proposed legislative bill which you contemplate introducing this legislative session is constitutional. The same is hereinafter discussed.

We note that the proposed legislative bill described above would amend Neb.Rev.Stat. §85-902(2) (b) (iv) (Reissue 1981) and thus change the composition of the Nebraska Coordinating Commission for Postsecondary Education as follows:

,... one member from the ~~a governing board of an~~ independent college and university sector ~~of this state~~ appointed by the Governor from an association of independent, degree-granting, regionally accredited colleges and universities in Nebraska, ~~with the advice of the independent colleges~~, and ...

It is, of course, well settled law that a statute is open to construction only where the language used therein requires interpretation or may be reasonably considered ambiguous. The fact, alone, that a legislative act is open to the criticism that it is uncertain or indefinite in some of its provisions does not ipso facto render it unconstitutional. If, however, the uncertain or indefinite portion of a statute is essential to, or connected with, the statute as a whole, it may, of course, render the entire statute invalid. See, State ex rel. Holloran v. Hawes, 203 Neb. 405, 279 N.W.2d 96 (1979).

Applying the above-stated legal principles to the above-quoted amendment to Neb.Rev.Stat. §85-902(2) (b) (iv) (Reissue 1981), we find that we are unable to discern the meaning to be subscribed to the words "association of independent, degree-granting, regionally accredited colleges and universities in Nebraska." Indeed, there could even be two or more of said associations in which case the question would be from which association could the Governor appoint the member. Moreover, the uncertain or indefinite meaning of the words "association of independent, degree-granting, regionally accredited colleges and universities in Nebraska" is connected with the statute as a whole for the reason that the member to be appointed from this group is one of twelve persons which comprise the membership of the Nebraska Coordinating Commission for Postsecondary Education. It is therefore our opinion that the proposed legislative bill described above is ambiguous and therefore a court would find it unconstitutional.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Landis asked unanimous consent to have his name added as co-introducer to LB 155. No objections. So ordered.

Mr. Hefner asked unanimous consent to have his name added as co-introducer to LB 48. No objections. So ordered.

ANNOUNCEMENT

Mr. Fenger announced the Public Health and Welfare Committee elected Mr. Wesely as Vice Chairperson.

Mr. Schmit announced the Public Works Committee elected Mr. Lamb as Vice Chairperson.

Mr. Chronister announced the Committee on Committees elected Mr. Wesely as Vice Chairperson.

VISITORS

Visitors to the Chamber were Kenneth Dill from Scottsbluff and Harold Tripple from Gering.

ADJOURNMENT

At 9:58 a.m., on a motion by Mrs. Marsh, the Legislature adjourned until 9:00 a.m., Thursday, January 13, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTH DAY - JANUARY 13, 1983

LEGISLATIVE JOURNAL

SIXTH DAY - JANUARY 13, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 13, 1983

Pursuant to adjournment, the Legislature met at 9:02 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. John Burton, First Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Hoagland who was excused; and Messrs. Beutler, Hefner, Newell, and Rupp who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifth Day was approved.

ANNOUNCEMENT

Mr. Vickers announced the Education Committee elected Mr. Wiitala as Vice Chairperson.

Mr. Barrett announced the Business and Labor Committee elected Mr. Wiitala as Vice Chairperson.

Mr. Haberman announced the Agriculture and Environment Committee elected Mr. R. Peterson as Vice Chairperson.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board herewith submits the attached report on the Referencing of Gubernatorial Appointments.

Agriculture and Environment
Leonard Schaefer - Environmental Control Council

William A. Metzger - Environmental Control Council

Banking, Commerce and Insurance
Barbara S. Huston - Nebraska Investment Council

Education
Ramey Whitney (R) - Coordinating Commission for Postsecondary Education
LeRoy Troffels - Coordinating Commission for Postsecondary Education
Duane Schmidt (R) - Safety Center Advisory Council
Larry Morris (R) - Safety Center Advisory Council
Rollin D. Schnieder (R) - Safety Center Advisory Council
Jim Preston (R) - Safety Center Advisory Council
John Ward (R) - Safety Center Advisory Council
Charles Fairbanks (R) - Safety Center Advisory Council
Ivan Abdouch (R) - Safety Center Advisory Council

Government, Military and Veterans Affairs
David Flebbe (R) - State Personnel Board
Bruce Peters (R) - State Personnel Board

Judiciary
Marj Marlette - Nebraska Board of Parole

Miscellaneous Subjects
Jody Asmussen (R) - Nebraska Arts Council
Gloria Dinsdale (R) - Nebraska Arts Council
LaVon Crosby (R) - Nebraska Arts Council
Pat Morocco - Political Accountability and Disclosure Commission
Miles Johnston - Political Accountability and Disclosure Commission
Virginia Parker - Nebraska Arts Council

Nebraska Retirement Systems
T. J. (Tom) Lynch - Public Employees Retirement Board
Everett Green - Public Employees Retirement Board
Harold Salter - Public Employees Retirement Board

Public Health and Welfare
Martin Huff (R) - Manufactured Housing Advisory Board
Rod Tompkins (R) - Manufactured Housing Advisory Board
Joe Rogers (R) - Manufactured Housing Advisory Board
Tim Lynch (R) - Manufactured Housing Advisory Board
Dr. Robt J. Hilkemann - State Board of Health
Dr. Wade Nyquist - State Board of Health
Bob Rohling - State Board of Health
Milton Evans - Foster Care Review Board
Elsie Barrett - Foster Care Review Board

Mrs. Dwight Burney - Foster Care Review Board
Nancy O'Brien - Foster Care Review Board
Dr. John P. Murray - Foster Care Review Board
Mary Jeanne Adams - Foster Care Review Board
JoAnn LeBaron - Foster Care Review Board

Public Works
Joseph W. McNamara - Board of Public Roads Classifications and Standards
Dale Thomas - Power Review Board
Don Hyde - Power Review Board
Vera Christensen - Board of Public Roads Classifications and Standards
George Arlen Miles - State Highway Commission
David Coolidge (R) - Board of Public Roads Classifications and Standards
Heasty W. Reesman (R) - Board of Public Roads Classifications and Standards
Marvin Athey (R) - Board of Public Roads Classifications and Standards
Bill Lindholm (R) - Board of Public Roads Classifications and Standards
Lillian Haggart - Board of Public Roads Classifications and Standards
Richard Erixson - Board of Public Roads Classifications and Standards

(R) Indicates Reappointment.

The Legislative Council Executive Board hereby submits the following report on the referral of legislative bills and resolutions: LB 114 through 116, inclusive; LB 118 through 167, inclusive; LR 6.

LB	Committee
114	Banking, Commerce and Insurance
115	Banking, Commerce and Insurance
116	Miscellaneous Subjects
118	Public Works
119	Public Works
120	Public Works
121	Judiciary
122	Public Works
123	Judiciary
124	Banking, Commerce and Insurance
125	Urban Affairs
126	Education
127	Agriculture and Environment
128	Public Works

129	Government, Military and Veterans Affairs
130	Education
131	Urban Affairs
132	Appropriations
133	Miscellaneous Subjects
134	Banking, Commerce and Insurance
135	Urban Affairs
136	Banking, Commerce and Insurance
137	Judiciary
138	Judiciary
139	Judiciary
140	Public Health and Welfare
141	Education
142	Public Health and Welfare
143	Banking, Commerce and Insurance
144	Banking, Commerce and Insurance
145	Public Works
146	Judiciary
147	Revenue
148	Government, Military and Veterans Affairs
149	Agriculture and Environment
150	Urban Affairs
151	Miscellaneous Subjects
152	Public Works
153	Revenue
154	Agriculture and Environment
155	Banking, Commerce and Insurance
156	Revenue
157	Agriculture and Environment
158	Business and Labor
159	Education
160	Education
161	Public Health and Welfare
162	Constitutional Revision and Recreation
163	Constitutional Revision and Recreation
164	Miscellaneous Subjects
165	Nebraska Retirement Systems
166	Public Works
167	Public Works

LR	**Committee**
6	Constitutional Revision and Recreation

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1982 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lower Loup	
J. Marvin Weems, Attorney	344.00

COMMUNICATION

January 11, 1983

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

Dear Mr. O'Donnell:

Pursuant to Section 84-304, R.R.S. of Nebraska, I have appointed Julia Peralez as expert accountant.

This appointment is submitted respectfully for your consideration.

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

RACJ:bt

BILLS ON FIRST READING

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

LEGISLATIVE BILL 200. By Agriculture and Environment Committee: Haberman, 44th District, Chairperson; Remmers, 1st District; Wiitala, 31st District; Pappas, 42nd District; Chronister, 18th District; Eret, 32nd District; R. Peterson, 21st District; Pirsch, 10th District; Schmit, 23rd District.

A BILL FOR AN ACT to ratify and approve the Central Interstate Low-Level Radioactive Waste Compact; and to assign duties.

LEGISLATIVE BILL 201. By Newell, 13th District.

A BILL FOR AN ACT to amend section 77-3432.06, Revised Statutes Supplement, 1982, relating to budget limitations; to provide that certain retirement systems be considered new programs; to repeal the

original section; and to declare an emergency.

LEGISLATIVE BILL 202. By Chambers, 11th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-105, 28-303, 83-1,107, and 83-1,107.01, Reissue Revised Statutes of Nebraska, 1943, and section 24-342, Revised Statutes Supplement, 1982; to eliminate the death penalty; to repeal sections relating to special procedures in cases of homicide; to provide when this act shall apply; to limit provisions relating to parole and discharge from custody; to harmonize provisions; and to repeal the original sections, and also sections 29-2519 to 29-2521.04, 29-2523 to 29-2524.02, 29-2527, 29-2529 to 29-2538, and 29-2540 to 29-2546, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2522, 29-2525, 29-2528, and 29-2539, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 203. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 79-4,118, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to allow purchases to be made by employees; and to repeal the original section.

LEGISLATIVE BILL 204. By Wesely, 26th District; Chronister, 18th District; Hoagland, 6th District.

A BILL FOR AN ACT to amend section 39-669.26, Reissue Revised Statutes of Nebraska, 1943, relating to traffic violations; to change penalties as prescribed; to provide for a point assessment reduction upon completion of a driver improvement course; and to repeal the original section.

LEGISLATIVE BILL 205. By Hoagland, 6th District.

A BILL FOR AN ACT to amend sections 23-2412 and 23-2416, Reissue Revised Statutes of Nebraska, 1943, relating to the Political Subdivisions Tort Claims Act; to provide a defense as prescribed; to change a provision relating to limitation of action as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 206. By Von Minden, 17th District; V. Johnson, 8th District; Hoagland, 6th District; Wiitala, 31st District; Landis, 46th District; Sieck, 24th District; Wesely, 26th District; R. Peterson, 21st District; Beutler, 28th District; Eret, 32nd District; Clark, 47th District; Pappas, 42nd District; Carsten, 2nd District; Newell, 13th District; Doyle, 14th District; Fowler, 27th District.

A BILL FOR AN ACT to amend sections 39-6,131 and 39-6,131.02 to 39-6,131.05, Revised Statutes Supplement, 1982, relating to equipment

of vehicles; to allow the use of studded tires as prescribed; to require a permit and fee prior to the use of such tires; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 207. By Vickers, 38th District.

A BILL FOR AN ACT relating to schools; to allow interdistrict school agreements for vocational services; to provide duties; and to allow an additional tax levy.

LEGISLATIVE BILL 208. By Cullan, 49th District.

A BILL FOR AN ACT to amend section 28-611, Reissue Revised Statutes of Nebraska, 1943, relating to bad checks; to increase the fee collected by the county attorney; and to repeal the original section.

LEGISLATIVE BILL 209. By Goodrich, 20th District; Fowler, 27th District.

A BILL FOR AN ACT to amend sections 79-4,175, 79-4,180, and 79-4,198, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to the procedure for suspension or expulsion of students; to provide an additional act which constitutes grounds for suspension or expulsion of students; to change provisions relating to the appeal of a decision; and to repeal the original sections.

LEGISLATIVE BILL 210. By Chambers, 11th District.

A BILL FOR AN ACT relating to retirement; to amend section 84-1319, Reissue Revised Statutes of Nebraska, 1943, and section 23-2317, Revised Statutes Supplement, 1982; to change provisions relating to future service retirement benefits for county and state employees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 211. By Chambers, 11th District.

A BILL FOR AN ACT relating to colleges and universities; to provide that football players at the University of Nebraska at Lincoln be treated as university employees.

LEGISLATIVE BILL 212. By Haberman, 44th District.

A BILL FOR AN ACT relating to revenue and taxation; to state intent; to limit certain budgets as prescribed; and to declare an emergency.

LEGISLATIVE BILL 213. By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Von Minden, 17th District; Barrett, 39th District; V. Johnson, 8th District; Lundy, 36th District; Hannibal,

4th District; Newell, 13th District.

A BILL FOR AN ACT relating to liquor; to amend sections 53-124, 53-124.02, 53-124.04, 53-124.05, 53-124.07, 53-134, 53-135, and 53-138.03, Reissue Revised Statutes of Nebraska, 1943, and sections 2-219, 53-103, 53-124.03, 53-125, 53-129, 53-131, 53-133, 53-135.01, 53-164.01, 53-179, and 53-1,116, Revised Statutes Supplement, 1982, to change provisions relating to the sale of liquors; to modify provisions relating to bottle clubs, nonprofit corporations, issuance and renewal of licenses, and permissible hours of operation; to provide for disposition of fees; to change time limits; to eliminate a maximum amount for a bond; to define terms; and to repeal the original sections, and also sections 53-124.08, 53-194.01, and 53-194.02, Reissue Revised Statutes of Nebraska, 1943, and section 53-124.10, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 214. By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Von Minden, 17th District; Barrett, 39th District; V. Johnson, 8th District; Lundy, 36th District; Hannibal, 4th District; Fenger, 45th District.

A BILL FOR AN ACT to amend sections 49-1488 and 49-1493, Reissue Revised Statutes of Nebraska, 1943, and section 49-1469, Revised Statutes Supplement, 1982, relating to the Nebraska Political Accountability and Disclosure Act; to authorize the expenditure of certain funds; to change provisions relating to the filing of certain statements; to provide a penalty; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 215. By Wiitala, 31st District; Labedz, 5th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to insurance; to prohibit certain financial interests in title insurance companies and agents; to define terms; to provide duties; to provide exceptions to the restriction; to amend section 44-1902, Reissue Revised Statutes of Nebraska, 1943; to harmonize provisions; to provide for severability; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 216. By Nebraska Retirement Systems Committee: Fowler, 27th District, Chairperson; Warner, 25th District; Vickers, 28th District; Goodrich, 20th District; Schmit, 23rd District; Wesely, 26th District.

A BILL FOR AN ACT to amend section 23-2306, Reissue Revised Statutes of Nebraska, 1943, and section 23-1118, Revised Statutes Supplement, 1982, relating to county retirement systems; to change which counties may provide benefits; to change membership

provisions; and to repeal the original sections.

LEGISLATIVE BILL 217. By Wiitala, 31st District.

A BILL FOR AN ACT relating to disability compensation; to amend section 81-2026, Reissue Revised Statutes of Nebraska, 1943, and section 48-121, Revised Statutes Supplement, 1982; to change compensation rates for certain state employees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 218. By Nebraska Retirement Systems Committee: Fowler, 27th District, Chairperson; Vickers, 38th District; Wesely, 26th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to retirement; to amend sections 79-1531, 79-1533, 81-2017, and 84-1308, Reissue Revised Statutes of Nebraska, 1943, and sections 23-2307, 24-703, and 79-1056, Revised Statutes Supplement, 1982; to provide for the employer to pick up certain employee contributions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 219. By Nebraska Retirement Systems Committee: Fowler, 27th District, Chairperson; Vickers, 38th District; Wesely, 26th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend sections 84-1307 and 84-1321, Reissue Revised Statutes of Nebraska, 1943, and section 84-1317, Revised Statutes Supplement, 1982, relating to retirement; to change membership provisions; to change an optional retirement date; to change benefit provisions as prescribed; and to repeal the original sections.

UNANIMOUS CONSENT - Members Excused

The Appropriations Committee asked unanimous consent to be excused until they return. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 7. Read. Considered.

LR 7 was adopted with 32 ayes, 0 nays, and 17 not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 220. By Nebraska Retirement Systems

Committee: Fowler, 27th District, Chairperson; Warner, 25th District; Schmit, 23rd District; Goodrich, 20th District; Wesely, 26th District; Vickers, 38th District.

A BILL FOR AN ACT relating to firefighters; to authorize a pension program for certain volunteer fire departments and rescue squads; to define terms; to provide powers and duties; to amend section 35-513, Reissue Revised Statutes of Nebraska, 1943, and section 35-508, Revised Statutes Supplement, 1982; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 221. By Fowler, 27th District; Labedz, 5th District; Wiitala, 31th District.

A BILL FOR AN ACT to adopt the Interpreters for Deaf and Non-English Speaking Persons Act; and to repeal sections 25-2401 to 25-2406, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 222. By Nebraska Retirement Systems Committee: Fowler, 27th District, Chairperson; Warner, 25th District; Goodrich, 20th District; Schmit, 23rd District; Wesely, 26th District; Vickers, 38th District.

A BILL FOR AN ACT to amend section 84-1332, Reissue Revised Statutes of Nebraska, 1943, relating to retirement; to change provisions relating to retirement for transferred county employees; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 223. By Nebraska Retirement Systems Committee: Fowler, 27th District, Chairperson; Warner, 25th District; Goodrich, 20th District; Schmit, 23rd District; Wesely, 26th District; Vickers, 38th District.

A BILL FOR AN ACT relating to retirement; to amend sect ons 24-701, 24-707, and 24-709, Reissue Revised Statutes of Nebraska, 1943, and 84-1301, Revised Statutes Supplement, 1982; to redefine terms; to change retirement provisions for certain judges; and to repeal the original sections.

LEGISLATIVE BILL 224. By Schmit, 23rd District; Vickers, 38th District.

A BILL FOR AN ACT to amend sections 57-702, 57-704, 57-707, 57-709, and 57-710, Reissue Revised Statutes of Nebraska, 1943, and section 57-919, Revised Statutes Supplement, 1982, relating to oil and gas; to require the purchaser of resources to pay the severance tax; to change provisions relating to payment of the severance tax; to provide for interest for delinquent payments; to change provisions relating to

the conservation charge on oil and natural gas; and to repeal the original sections.

LEGISLATIVE BILL 225. By Hefner, 19th District.

A BILL FOR AN ACT relating to public health and welfare; to state intent; to provide education requirements for embalmers and funeral directors; to define terms; and to provide duties for the Department of Health.

LEGISLATIVE BILL 226. By Goll, 16th District; R. Peterson, 21st District; Hefner, 19th District; Chronister, 18th District; Von Minden, 17th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to specific conveyances; to authorize the Department of Public Institutions to sell certain land to the Northeast Technical Community College Area; and to provide severability.

LEGISLATIVE BILL 227. By Wiitala, 31st District.

A BILL FOR AN ACT relating to schools; to provide considerations for the State Department of Education in establishing certain teachers salaries.

MOTION - Withdraw LB 6

Mr. Haberman moved to withdraw LB 6.

Laid over.

ANNOUNCEMENT

Mr. Fowler announced the Nebraska Retirement Systems Committee elected Mr. Wesely as Vice Chairperson.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 228. By Wesely, 26th District; Landis, 46th District; Fowler, 27th District; DeCamp, 40th District; Wiitala, 31st District.

A BILL FOR AN ACT to amend sections 57-701, 57-702, and 57-704, Reissue Revised Statutes of Nebraska, 1943, and sections 57-703 and 57-705, Revised Statutes Supplement, 1982, relating to gas and oil severance taxes; to define terms; to provide exceptions to the tax; to

change tax rates; to change procedures; to change the distribution of certain tax revenue; to create a fund; to provide collection procedures; to provide powers and duties for the Tax Commissioner; to provide a penalty; to provide for severability; and to repeal the original sections, and also sections 57-710 and 57-711, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 229. By Beutler, 28th District.

A BILL FOR AN ACT relating to libraries; to amend section 51-214, Reissue Revised Statutes of Nebraska, 1943; to provide recovery of certain costs and fees by a library board; to provide penalties for theft of library materials; to define a term; to restrict liability; to provide for restitution; and to repeal the original section.

LEGISLATIVE BILL 230. By Lamb, 43rd District.

A BILL FOR AN ACT to amend section 49-1445, Revised Statutes Supplement, 1982, relating to political accountability and disclosure; to change provisions relating to when a candidate committee must be formed; and to repeal the original section, and also section 49-1452, Reissue Revised Statutes of Nebraska, 1943, and section 49-1460, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 231. By Lamb, 43rd District.

A BILL FOR AN ACT relating to motor vehicles; to provide for a short-term commercial license for certain farm trucks as prescribed; and to provide a fee.

ANNOUNCEMENT

Mr. Cullan announced the Administrative Rules and Regulations Review Committee elected Mr. Abboud as Vice Chairperson.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. R. Johnson asked unanimous consent to have his name added as co-introducer to LB 53. No objections. So ordered.

Mr. Vickers asked unanimous consent to have his name added as co-introducer to LB 19. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 232. By Wesely, 26th District; Landis, 46th

District.

A BILL FOR AN ACT to amend section 2-3214, Reissue Revised Statutes of Nebraska, 1943, and section 2-3218, Revised Statutes Supplement, 1982, relating to natural resources districts; to change provisions relating to elections of a district's board of directors; to change provisions relating to directors' compensation; to provide for severability; and to repeal the original sections.

LEGISLATIVE BILL 233. By Sieck, 24th District; Pirsch, 10th District; Chronister, 18th District.

A BILL FOR AN ACT to amend section 29-2260, Revised Statutes Supplement, 1982, relating to criminal procedure; to provide for restitution as prescribed; and to repeal the original section.

LEGISLATIVE BILL 234. By Wiitala, 31st District; Pirsch, 10th District; Remmers, 1st District; Doyle, 14th District; Labedz, 5th District.

A BILL FOR AN ACT to amend sections 60-102, 60-106, 60-312.01, 60-1401.02, 60-1403, and 60-1403.01, Reissue Revised Statutes of Nebraska, 1943, and sections 60-115 and 60-302, Revised Statutes Supplement, 1982, relating to motor vehicles; to change provisions relating to registration and certificates of title; to provide for inspections; to create a fund; to provide and modify duties and powers; to change fees; to define terms; to require licensing as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 235. By Higgins, 9th District; Wesely, 26th District; Labedz, 5th District; Wiitala, 31st District.

A BILL FOR AN ACT to adopt the Nebraska Nursing Home Act; to provide for the regulation of nursing homes; to state intent; to harmonize provisions; to provide for penalties; to amend sections 71-2017, 71-2028, and 71-2040, Reissue Revised Statutes of Nebraska, 1943, and section 71-2024, Revised Statutes Supplement, 1982; to provide an operative date; to provide for severability; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 8.

Introduced by: Beutler, 28th District; Beyer, 3rd District; Chronister, 18th District; Cullan, 49th District; DeCamp, 40th District; Doyle, 14th District; Eret, 32nd District; Fenger, 45th District; Fowler, 27th District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th

District; Hannibal, 4th District; Jacobson, 33rd District; R. Johnson, 34th District; V. Johnson, 8th District; Kahle, 37th District; Labedz, 5th District; Landis, 46th District; Newell, 13th District; Pappas, 42nd District; R. Peterson, 21st District; Remmers, 1st District; Rupp, 22nd District; Sieck, 24th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District; Wesely, 26th District; Wiitala, 31st District.

A Resolution to propose 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.

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

Section 1. That at the general election in November 1984 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 or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive ~~a~~ compensation to be established in the manner provided by Article XV, section 19. ~~salary of not to exceed four hundred dollars per month during the term of his office. In addition to his salary, each member shall receive an amount equal to his actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.~~

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 , ~~nor shall~~ the compensation of any public officer, including any officer whose compensation is fixed by the Legislature, shall not be increased or diminished during his or her term of office ~~except that~~ ; PROVIDED , 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 consisting of seven members to be known as the Legislative Compensation Commission. The members of the commission, each representing a different geographical area, shall be appointed by the Governor and shall be subject to the approval of the Legislature. Members shall serve for terms of four years, except that of the members first appointed, three members shall be appointed for a term of two years. 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, and before the beginning of each regular session of the Legislature recommend to the Legislature any adjustments in compensation it deems appropriate. In no event shall the salary received by members of the Legislature exceed the median family income in the state. 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:

"A constitutional amendment to create the Legislative

Compensation Commission which shall have the authority to recommend certain changes in salaries and allowable expenses for members of the Legislature.
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.

Referred to the Executive Board.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 236. By Schmit, 23rd District; Morehead, 30th District; Lamb, 43rd District; Hefner, 19th District; Pappas, 43rd District.

A BILL FOR AN ACT to amend sections 2-1575 to 2-1578, Reissue Revised Statutes of Nebraska, 1943, and section 2-1579, Revised Statutes Supplement, 1982, relating to resources conservation; to rename an act and a fund; to provide intent; to define a term; to provide for the expenditure of funds; to provide for agreements; and to repeal the original sections, and also section 2-1580, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1581 and 2-1582, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 237. By DeCamp, 40th District; Hefner, 19th District; R. Peterson, 21st District; Fenger, 45th District.

A BILL FOR AN ACT relating to cities of the first class; to establish a retirement system for police officers as prescribed; to create funds; to authorize a levy; to exclude certain contributions from budget limitation provisions; to provide an operative date; to repeal pension provisions; and to repeal sections 16-330 to 16-336, 16-336.01, and 16-337, Revised Statutes Supplement, 1982.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 157, LB 127, and LB 72. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 238. By Banking, Commerce and Insurance Committee: DeCam , 40th District, Chairperson; Beyer, 3rd District; Remmers, 1st District; Clark, 47th District; Labedz, 5th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to schools; to amend sections 72-202, 85-123, and 85-317, Reissue Revised Statutes of Nebraska, 1943; to provide for the management of certain funds as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 239. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Remmers, 1st District; Beyer, 3rd District; Clark, 47th District; Labedz, 5th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 8-403.03, Revised Statutes Supplement, 1982, relating to industrial loan and investment companies; to change the number and selection of directors as prescribed; to change the duties of the directors; and to repeal the original section.

LEGISLATIVE BILL 240. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Beyer, 3rd District; Clark, 47th District; Labedz, 5th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to certain banks; to provide procedures and standards for change in control of state-chartered banks; to provide for notice; to provide requirements; and to provide powers and duties.

LEGISLATIVE BILL 241. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Beyer, 3rd District; Clark, 47th District; Labedz, 5th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to banking and finances; to provide for the merger or acquisition of certain financial institutions as prescribed; to provide powers and duties for the Department of Banking and Finance and the Director of Banking and Finance; to establish requirements; and to provide procedures.

LEGISLATIVE BILL 242. By Chambers, 11th District.

A BILL FOR AN ACT to amend sections 70-408 and 70-655, Reissue Revised Statutes of Nebraska, 1943, relating to power districts; to modify charges as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 243. By Banking, Commerce and Insurance

Committee: DeCamp, 40th District, Chairperson; Labedz, 5th District; Beyer, 3rd District; Schmit, 23rd District; Haberman, 44th District.

A BILL FOR AN ACT to amend section 44-1907, Reissue Revised Statutes of Nebraska, 1943, relating to title insurance; to require title insurance agents to be licensed abstractors; and to repeal the original section.

VISITORS

Visitors to the Chamber were Dick Wall, Intergovernmental and Congressional Affairs, Kansas City; and Mr. and Mrs. Votruba and Mrs. Hennings from Hemingford.

ADJOURNMENT

At 10:19 a.m., on a motion by Mr. Jacobson, the Legislature adjourned until 9:00 a.m., Friday, January 14, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTH DAY - JANUARY 14, 1983

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 14, 1983

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Pastor Donald J. Nunnally, Calvary United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch and Mr. Warner who were excused; and Messrs. Beutler, DeCamp, Fowler, Hefner, V. Johnson, Landis, Schmit, and Mrs. Higgins who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixth Day was approved.

MESSAGE FROM THE GOVERNOR

January 12, 1983

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Motor Vehicle Industry Licensing Board, requiring legislative confirmation:

Robert Martin, 1111 "L" Street, Omaha, reappointment
Ted Cannon, 1202 E. 35th, Scottsbluff, reappointment

Roger Cross, 5020 Howard Blvd., Columbus, reappointment
Donald Beltz, B & B Cycle, N. Highway 81, Norfolk, reappointment
Darrell Barnes, 6705 Railroad Avenue, Omaha, NE 68107, replaces Hubert Monsky, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board of the Nebraska Legislature hereby submits the following report on the referral of legislative bills: LB 168 through 199, inclusive, referred as per the attached report. LB 117 referred to the Banking, Commerce and Insurance Committee.

LB	Committee
117	Banking, Commerce and Insurance
168	Judiciary
169	Revenue
170	Constitutional Revision and Recreation
171	Revenue
172	Revenue
173	Constitutional Revision and Recreation
174	Constitutional Revision and Recreation
175	Constitutional Revision and Recreation
176	Miscellaneous Subjects
177	Banking, Commerce and Insurance
178	Banking, Commerce and Insurance
179	Public Works
180	Government, Military and Veterans Affairs
181	Agriculture and Environment
182	Banking, Commerce and Insurance
183	Judiciary
184	Appropriations
185	Business and Labor
186	Education
187	Public Works
188	Banking, Commerce and Insurance
189	Judiciary
190	Miscellaneous Subjects
191	Public Works
192	Revenue
193	Revenue

194 Revenue
195 Revenue
196 Revenue
197 Banking, Commerce and Insurance
198 Public Works
199 Constitutional Revision and Recreation

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

ATTORNEY GENERAL'S OPINION

Opinion No. 6
January 7, 1983

Dear Senator Vickers:

This is in response to your letter of December 16, 1982, wherein you state that you are seriously contemplating the introduction of legislation which would regulate interstate pipelines.

You have asked whether the Legislature could, consistent with the federal Constitution Interstate Commerce Clause, give Natural Resource Districts (NRDs) authority to monitor soil erosion activities of an interstate pipeline in order to assure compliance with federally imposed soil erosion standards; and whether the Legislature could delegate to the NRDs authority to establish minimum standards for soil erosion prevention which would apply to interstate pipelines.

We conclude that regulation of interstate pipelines which carry natural gas, oil (under most circumstances), and commodities has been pre-empted by Congress, so that any state law which conflicts with the federal law governing regulation of the aforesaid substances must give way to the federal law by virtue of the Supremacy Clause, United States Constitution, Article VI.

The Interstate Commerce Act was amended by the Hepburn Act of 1906, and applies to regulate common carriers engaged in the transportation of oil or other commodities. 49 U.S.C.A., §1(1)(b), §1(3)(a).

The intent of the Act was to prevent carriers of interstate oil from dictating payment of excessive rates before they would accept oil from sellers for transportation. United States v. Ohio Oil Company, 34 S.Ct. 956, 234 U.S. 548, 58 L.Ed. 1459 (1913). But, in keeping with the intent stated, it has been held that a company transporting oil interstate from its own wells is not within the Act or jurisdiction of the Interstate Commerce Commission. United States v. Ohio Oil Company, supra. Consequently, under circumstances where interstate oil only is being transported from the pipeline company's oil field, there would appear to be little question that the state may regulate the pipeline transporting that oil.

Nevertheless, and with regard to all other oil transported by interstate pipelines, it has been held that the field of interstate commerce has been pre-empted by Congress, and legislation arising therefrom in that regard is the supreme law of the land. Valvoline Oil Company v. United States, 60 S.Ct. 160, 308 U.S. 141, 84 L.Ed. 151 (Penn. 1939). And, in reviewing 49 U.S.C.A. §1 et seq., we note that the federal regulatory scheme contained therein is relatively complete, which would indicate an intent by the federal government, as pointed out by the Valvoline case, to pre-empt regulation of interstate transportation of oil, other than oil originating at the pipeline company's own field.

With regard to interstate gas pipelines, the construction, installation, maintenance, and operation of the line is subject to the provisions of the Natural Gas Pipeline Safety Act (NGPSA) of 1968 (49 U.S.C. §1671 et seq.). The provisions and legislative history of the NGPSA "indicate quite clearly that federal legislation has pre-empted the entire field of gas pipeline safety," which would include aspects of construction in the interest of "uniformity of regulation." Northern Border Pipeline Company v. Jackson County, 512 F.Supp. 1261 (1981).

Even though a law which you might introduce in Nebraska would be drafted in terms of natural resource protection, such fact would still not be sufficient to remove the subject matter of the law from the pre-empted field of interstate commerce because the issue of whether federal legislation pre-empts state and local regulation "rests on the effect rather than the stated purposes of the legislation." Northern Border Pipeline Company v. Jackson County, Id., 1265. To be more specific,

> When Congress has unmistakably ordained that its enactments alone are to regulate a part of commerce, state laws regulating that aspect of commerce must fall. This result is compelled whether Congress' command is explicitly stated in the statute's language or implicitly contained in its structure and purpose.

Florida Lime and Avocado Growers Inc. v. Paul, 373 U.S. 132, 142, 10 L.Ed. 2d 248, 83 S.Ct. 1210 (1963); City of Burbank v. Lockheed Air Terminal, Inc., 411 U.S. 624, 36 L.Ed.2d 547, 93 S.Ct. 1854 (1973); Rice v. Santa Fe Elevator Corporation, 331 U.S. at 230, 91 L.Ed. 1447, 67 S.Ct. 1146.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Frank J. Hutfless
Assistant Attorney General

FJH:jmh
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Nichol asked unanimous consent to have his name added as co-introducer to LB 198. No objections. So ordered.

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 231. No objections. So ordered.

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 155. No objections. So ordered.

Mr. Sieck asked unanimous consent to have his name added as co-introducer to LB 234. No objections. So ordered.

ANNOUNCEMENT

Mr. Landis announced the Government, Military and Veterans Affairs Committee elected Mr. Chambers as Vice Chairperson.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 43	Thursday, January 27, 1983	9:30 a.m.
LB 63	Thursday, January 27, 1983	9:30 a.m.
LB 42	Thursday, January 27, 1983	1:30 p.m.
LB 65	Thursday, January 27, 1983	1:30 p.m.
LB 68	Friday, January 28, 1983	9:30 a.m.
LB 83	Friday, January 28, 1983	9:30 a.m.
LB 81	Friday, January 28, 1983	1:30 p.m.
LB 82	Friday, January 28, 1983	1:30 p.m.

(Signed) David Landis, Chairperson

MOTION - Withdraw LB 6

Mr. Haberman renewed his pending motion found in the Journal on page 160 to withdraw LB 6.

The motion prevailed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

MOTION - Suspend Rules

Mr. Newell moved to suspend the rules, Rule 4, Section 6, to permit consideration of LR 9 today.

The motion prevailed with 30 ayes, 0 nays, 12 present and not voting,

and 7 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 9.

Introduced by Newell, 13th District.

WHEREAS, Tomorrow, January 15 is the birthdate of the Reverend Martin Luther King, Jr.; and

WHEREAS, the Reverend Martin Luther King, Jr. has been recognized by all people of the world as having made great contributions toward the promotion of equality of man and the furtherance of peace; and

WHEREAS, the Reverend Martin Luther King, Jr. dedicated his life to working toward equality for people; and

WHEREAS, the Reverend Martin Luther King, Jr. at all personal costs, was determined to eliminate social injustices by means of nonviolent protests and peaceful demonstrations; and

WHEREAS, pursuant to his dedication to this cause the Reverend Martin Luther King, Jr. was awarded the Nobel Peace Prize; and

WHEREAS, the Reverend Martin Luther King, Jr. through his lobbying efforts, was instrumental in the passage of both the 1964 Civil Rights Act and the 1965 Voting Rights Act; and

WHEREAS, the Reverend Martin Luther King, Jr.'s courageous life and his commitment to racial and social equality is a humbling example for all people of the greatness of the human spirit.

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

1. That the Nebraska Legislature hereby recognizes and commends the contributions made by the Reverend Martin Luther King, Jr. to this nation and to the world.

2. That the Legislature pays tribute to the memory of the Reverend Martin Luther King, Jr. on the anniversary of his birth by recognizing the observance of January 15, 1983 as Martin Luther King, Jr. Day.

3. That the Legislature urges citizens of this state to observe Martin Luther King, Jr. Day on January 15, 1983, pursuant to the Governor's proclamation.

LR 9 was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and 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 all Lobbyists who have registered as of

January 13, 1983. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Birge, R. D., Jr. - North Platte, Commercial Federal Savings and Loan
Burkey, Darlene - Lincoln, Nebraska Dental Assistants Association
Cutshall, Bruce A. - Lincoln, First Savings Company of Lincoln
Davlin, Michael C. - Omaha, Central National Insurance Group
Fischer, Ralph J. - Beatrice, General Agricultural Services, Ltd.
Howard, David M. - Lincoln, Nebraska Association of Area Agencies on Aging
Hoy, Debbra L. - Lincoln, Lincoln Electric System
Kelley, Thomas P. - Omaha, Horsemen Benevolent Protective Association
Koch, Gerald - Ralston, Omaha Suburban Area Council of Schools
Magnuson, Arnold L. - Lincoln, Nebraska Society of Certified Public Accountants
Marr, Silvia (Micki) - Glenwood, IA, Nebraska Dental Assistants Association
Monaco, Steve - Omaha, Nebraska State Athletic Trainers Association
Moylan, James H. - Omaha, Nebraska Association of County Officials; Nebraska Credit Union League
Neff, Kenneth E. - Lincoln, Nebraska Medical Association
Peters, William E. - Lincoln, Nebraska Association of Production Credit Associations
Rasmussen, Dennis - Lincoln, Nebraska School Improvement Association
Ryan, James E. - Lincoln, Financial Institutions of Nebraska
Shelton, Guy L. - Omaha, Nebraska State Athletic Trainers Association
Sibley, Stan - Lincoln, Lincoln Education Association
Weber, Jerry E. - Lincoln, Nebraska State Athletic Trainers Association
Wells, Stanley A. - Lincoln, Cooperative Service Company
Wishnick, Yale - Lincoln, Lincoln Education Association
Wurtz, Thomas A. - Omaha, Metropolitan Utilities District

MOTION - Withdraw LB 157

Mr. Schmit moved to withdraw LB 157.

Laid over.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 244. By Warner, 25th District.

A BILL FOR AN ACT to amend section 39-6,177, Revised Statutes Supplement, 1982, relating to highways; to provide that vehicles of a certain width may travel on certain roads; and to repeal the original section.

LEGISLATIVE BILL 245. By Kahle, 37th District.

A BILL FOR AN ACT to amend section 77-423, Reissue Revised Statutes of Nebraska, 1943, relating to county assessors; to provide requirements for assessors; and to repeal the original section.

LEGISLATIVE BILL 246. By Kahle, 37th District.

A BILL FOR AN ACT to amend sections 2-3246 and 2-3248, Reissue Revised Statutes of Nebraska, 1943, relating to natural resources; to state intent; to define terms; to provide for prevention and control of wind erosion and the restoration of land prone to wind erosion as prescribed; to provide a penalty; to modify a requirement for an election; and to repeal the original sections.

LEGISLATIVE BILL 247. By Kahle, 37th District.

A BILL FOR AN ACT relating to soil erosion; to state intent; and to authorize natural resources districts to require conservation plans and bonds as prescribed.

LEGISLATIVE BILL 248. By Business and Labor Committee: Barrett, 39th District, Chairperson; Goll, 16th District; R. Peterson, 21st District; Eret, 32nd District; Wiitala, 31st District; Labedz, 5th District; Fowler, 27th District.

A BILL FOR AN ACT to amend sections 48-602, 48-604, 48-625, and 48-628, Revised Statutes Supplement, 1982, relating to employment security; to increase the taxable wage base; to extend the exemption for alien farmworkers as prescribed; to eliminate the age requirement for work-study students; to round unemployment benefit amounts as prescribed; to deny benefits to certain employees of educational institutions; and to repeal the original sections.

LEGISLATIVE BILL 249. By Business and Labor Committee: Barrett, 39th District, Chairperson; Goll, 16th District; R. Peterson, 21st District; Eret, 32nd District; Labedz, 5th District; Wiitala, 31st District; Fowler, 27th District.

A BILL FOR AN ACT to amend section 48-649, Reissue Revised Statutes of Nebraska, 1943, relating to employment security; to change

provisions relating to employer's contributions; and to repeal the original section.

LEGISLATIVE BILL 250. By Fenger, 45th District.

A BILL FOR AN ACT relating to cities and villages; to delete provisions relating to group homes; and to repeal sections 18-1744, 18-1745, 18-1746, and 18-1747, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 251. By Fenger, 45th District.

A BILL FOR AN ACT to amend sections 53-107, 53-122, 53-123, 53-123.04, 53-123.07, 53-124, 53-124.07, 53-124.08, 53-134, 53-135, 53-138.02, 53-138.03, 53-166, 53-183, and 53-194.02, Reissue Revised Statutes of Nebraska, 1943, and sections 53-103, 53-117, 53-124.09, 53-125, 53-129, 53-131, 53-132, 53-133, 53-135.01, 53-142, 53-146, 53-147, 53-164.01, 53-168, 53-179, 53-1,114, and 53-1,116, Revised Statutes Supplement, 1982, relating to liquor; to modify definitions; to provide for removal of the secretary of the Nebraska Liquor Control Commission; to modify provisions relating to elections; to change provisions relating to liquor licenses; to modify fees; to change a bond requirement; to provide duties; to change provisions relating to hours of sale; to harmonize provisions; and to repeal the original sections, and also sections 53-123.08, 53-124.01, 53-124.02, 53-124.04, 53-124.05, 53-124.07, 53-127, 53-144, and 53-194.01, Reissue Revised Statutes of Nebraska, 1943, and sections 53-124.03 and 53-124.10, Revised Statutes Supplement, 1982.

RESOLUTION

LEGISLATIVE RESOLUTION 10.

Introduced by Beyer, 3rd District.

A Resolution to propose an amendment to Article III, section 24, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 24, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 24. The Legislature shall not authorize any game of chance, nor any lottery, or gift enterprise where the consideration for a chance to participate involves the payment of money for the purchase of property, services, chance or admission ticket, or requires an expenditure of substantial effort or time; PROVIDED, that it may

authorize and regulate (1) other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises on and (2) a statewide lottery run by the State of Nebraska whose purpose shall be to provide revenue to the state. Nothing in this section shall be construed to prohibit the enactment of laws providing for the licensing and regulation of wagering on the results of horse races by the parimutuel or certificate method, when conducted by licensees within the race track enclosure at licensed horse race meetings, or to prohibit the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license; PROVIDED, bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to permit a state lottery to be established.
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.

Referred to the Executive Board.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 252. By Schmit, 23rd District; DeCamp, 40th District; R. Johnson, 34th District; Hefner, 19th District; Sieck, 24th District; Pappas, 42nd District; Kahle, 37th District.

A BILL FOR AN ACT relating to banks; to amend sections 8-702 and 21-17,131, Reissue Revised Statutes of Nebraska, 1943, and sections 8-115.01 and 8-122, Revised Statutes Supplement, 1982; to provide an exception to membership in the Federal Deposit Insurance Corporation; to provide an exception to procedural requirements of bank charters; to redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 253. By Remmers, 1st District.

A BILL FOR AN ACT to amend sections 60-507, 60-508, 60-509, 60-528, 60-529, 60-530, 60-532, and 60-549, Reissue Revised Statutes of Nebraska, 1943, and sections 60-302 and 60-501, Revised Statutes Supplement, 1982, relating to motor vehicles; to redefine terms; to change provisions relating to proof of financial responsibility; to increase required insurance policy limits; to require proof of financial responsibility for registration of motor vehicles; to provide duties; to provide penalties; to provide an operative date; and to repeal the original sections, and also sections 60-547 to 60-548, 60-552, 60-562 to 60-564, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 254. By Cullan, 49th District.

A BILL FOR AN ACT to amend sections 71-5502 to 71-5504, 71-5508 to 71-5517, and 71-5519 to 71-5522, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to define and redefine terms; to revise procedures for application for an approved training program and approved service program as prescribed; to provide for certified field supervisors; to change continuing education requirements; to provide for reinstatement of certificates, inspections, and reciprocity as prescribed; to harmonize provisions; to provide for rules and regulations; to provide for a new category of emergency medical technician; and to repeal the original sections.

LEGISLATIVE BILL 255. By Cullan, 49th District; H. Peterson, 35th District; Kahle, 37th District; Goodrich, 20th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of sections 85-980 to 85-9,102; and to declare an emergency.

LEGISLATIVE BILL 256. By Pappas, 42nd District; Morehead, 30th District.

A BILL FOR AN ACT to amend section 79-442, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to allow district officers to be parties to contracts with districts under certain conditions; and to repeal the original section.

LEGISLATIVE BILL 257. By Pappas, 42nd District; Morehead, 30th District.

A BILL FOR AN ACT relating to school boards; to prohibit compensation in certain cases; and to authorize payment of expenses.

LEGISLATIVE BILL 258. By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Lundy, 36th District; Fenger, 45th District; Hannibal, 4th District; Barrett, 39th District; V. Johnson, 8th District; Von Minden, 17th District.

A BILL FOR AN ACT relating to bingo; to amend section 28-1115, Reissue Revised Statutes of Nebraska, 1943, and sections 9-124, 9-125, 9-127, 9-133, 9-144, 9-145, 9-158, 9-162, 9-163, 9-168, 9-169, 9-170, and 9-173, Revised Statutes Supplement, 1982; to define and redefine terms; to provide the State Treasurer with certain powers and duties; to provide for electronic selection process as prescribed; to provide an appeal procedure as prescribed; to change provisions regarding compensation; to harmonize provisions; to provide severability; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 58	Monday, January 24, 1983	10:00 a.m. to 12:00 p.m.
LB 66	Monday, January 24, 1983	1:30 p.m.
LB 143	Monday, January 24, 1983	1:30 p.m.
LB 144	Monday, January 24, 1983	1:30 p.m.
LB 134	Monday, January 24, 1983	2:00 p.m.
LB 188	Monday, January 24, 1983	2:00 p.m.
LB 178	Monday, January 24, 1983	2:00 p.m.
LB 182	Tuesday, January 25, 1983	9:00 a.m.
LB 136	Tuesday, January 25, 1983	9:00 a.m.
LB 111	Tuesday, January 25, 1983	9:00 a.m.
LB 155	Tuesday, January 25, 1983	1:30 p.m.
LB 177	Tuesday, January 25, 1983	1:30 p.m.
LB 197	Tuesday, January 25, 1983	1:30 p.m.
LB 95	Tuesday, January 25, 1983	1:30 p.m.
LB 69	Tuesday, January 25, 1983	1:30 p.m.
LB 115	Monday, January 31, 1983	1:30 p.m.
LB 117	Monday, January 31, 1983	1:30 p.m.
LB 64	Tuesday, February 1, 1983	1:30 p.m.
LB 124	Tuesday, February 1, 1983	1:30 p.m.
LB 114	Tuesday, February 1, 1983	1:30 p.m.

(Signed) John W. DeCamp, Chairperson

Public Works

LB 49	Wednesday, January 26, 1983	10:30 a.m.
LB 50	Wednesday, January 26, 1983	10:30 a.m.
LB 10	Wednesday, January 26, 1983	1:30 p.m.

LB 11	Wednesday, January 26, 1983	1:30 p.m.
LB 15	Wednesday, January 26, 1983	1:30 p.m.
LB 33	Wednesday, January 26, 1983	1:30 p.m.
LB 35	Wednesday, January 26, 1983	1:30 p.m.
LB 21	Thursday, January 27, 1983	10:30 a.m.
LB 23	Thursday, January 27, 1983	10:30 a.m.
LB 36	Thursday, January 27, 1983	1:30 p.m.
LB 37	Thursday, January 27, 1983	1:30 p.m.
LB 76	Thursday, January 27, 1983	1:30 p.m.
LB 96	Thursday, January 27, 1983	1:30 p.m.
LB 72	Friday, January 28, 1983	10:30 a.m.
LB 128	Friday, January 28, 1983	10:30 a.m.
LB 67	Friday, January 28, 1983	1:30 p.m.
LB 100	Friday, January 28, 1983	1:30 p.m.
LB 122	Friday, January 28, 1983	1:30 p.m.

(Signed) Loran Schmit, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 259. By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Lundy, 36th District; Fenger, 45th District; Hannibal, 4th District; Barrett, 39th District; V. Johnson, 8th District; Von Minden, 17th District.

A BILL FOR AN ACT relating to bingo and pickle cards; to amend sections 28-1101, 28-1113, and 28-1115, Reissue Revised Statutes of Nebraska, 1943, and sections 9-124, 9-125, 9-127, 9-133, 9-141 to 9-145, 9-150, 9-153, 9-158, 9-160, 9-162 to 9-165, 9-168 to 9-170, 9-172 to 9-174, Revised Statutes Supplement, 1982; to change intent; to define and redefine terms; to rename an act; to create the Nebraska Bingo and Pickle Card Regulatory Commission; to provide powers and duties; to provide an appeal procedure as prescribed; to create the Nebraska Bingo and Pickle Card Advisory Council; to harmonize provisions; to provide a termination date; to provide an operative date; to provide severability; and to repeal the original sections, and also section 9-130, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 260. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 45-338, Revised Statutes Supplement, 1982, relating to installment sales; to provide an exception

to provisions when a sale is made for certain purposes; and to repeal the original section.

LEGISLATIVE BILL 261. By Goodrich, 20th District.

A BILL FOR AN ACT to amend sections 25-1530 and 25-1540, Reissue Revised Statutes of Nebraska, 1943, relating to civil procedure; to provide that costs shall include attorney's fees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 262. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 21-608, Revised Statutes Supplement, 1982, relating to corporations; to declare the American Province of the Order of Servants of Mary to be a corporation; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 263. By Goodrich, 20th District.

A BILL FOR AN ACT to amend sections 48-157, 48-162, and 48-165, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Workmen's Compensation Court; to authorize the establishment of fees for certain services as prescribed; to create the Nebraska Workmen's Compensation Court Cash Fund; and to repeal the original sections.

LEGISLATIVE BILL 264. By Goodrich, 20th District.

A BILL FOR AN ACT relating to the Nebraska Workmen's Compensation Court; to create a fund and provide its source and use; to provide for abatement of contributions; to amend section 77-913, Reissue Revised Statutes of Nebraska, 1943; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 265. By Goodrich, 20th District.

A BILL FOR AN ACT relating to the Nebraska Workmen's Compensation Court; to create a fund and specify its source and use; to amend sections 48-145, 77-912, and 77-913, Reissue Revised Statutes of Nebraska, 1943; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 266. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 48-162.01, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Workmen's Compensation Court; to change provisions relating to funding for vocational rehabilitation; and to repeal the original section.

LEGISLATIVE BILL 267. By Goodrich, 20th District.

A BILL FOR AN ACT relating to the Nebraska Workmen's Compensation Court; to create a fund and specify its source and use; and to declare an emergency.

LEGISLATIVE BILL 268. By Goodrich, 20th District.

A BILL FOR AN ACT relating to the Nebraska Workmen's Compensation Court; to create a fund and specify the source and use thereof.

LEGISLATIVE BILL 269. By Landis, 46th District; Beutler, 28th District; Chambers, 11th District; Cullan, 49th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 24-201.01, Reissue Revised Statutes of Nebraska, 1943, relating to courts; to increase judges' salaries as prescribed; and to repeal the original section.

LEGISLATIVE BILL 270. By Law Enforcement and Justice Advisory Committee: Beutler, 28th District, Chairperson; R. Johnson, 34th District; Jacobson, 33rd District; Chronister, 18th District; Von Minden, 17th District.

A BILL FOR AN ACT to amend section 76-717, Reissue Revised Statutes of Nebraska, 1943, relating to eminent domain; to change provisions relating to appeals as prescribed; and to repeal the original section.

LEGISLATIVE BILL 271. By Judiciary Committee: Beutler, 28th District, Chairperson; R. Johnson, 34th District; Chambers, 11th District; Pirsch, 10th District; Jacobson, 33rd District; Abboud, 12th District; Chronister, 18th District; Von Minden, 17th District.

A BILL FOR AN ACT to amend section 24-209, Reissue Revised Statutes of Nebraska, 1943, relating to the Supreme Court Reports; to create a fund; and to repeal the original section.

LEGISLATIVE BILL 272. By Judiciary Committee: Beutler, 28th District, Chairperson; R. Johnson, 34th District; Pirsch, 10th District; Jacobson, 33rd District; Chronister, 18th District; Von Minden, 17th District.

A BILL FOR AN ACT to amend section 24-317, Reissue Revised Statutes of Nebraska, 1943, relating to judges; to provide powers; to provide duties; and to repeal the original section, and also sections 24-517.01 and 25-1329, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 273. By Higgins, 9th District.

A BILL FOR AN ACT relating to public health and welfare; to define terms; to establish training requirements for certain nursing home employees as prescribed; to provide a penalty; and to provide severability.

LEGISLATIVE BILL 274. By Higgins, 9th District.

A BILL FOR AN ACT relating to nursing homes; to provide for the appointment of a receiver as prescribed; to establish powers and duties; to provide for termination of a receivership; to provide a penalty; and to provide severability.

LEGISLATIVE BILL 275. By Wesely, 26th District.

A BILL FOR AN ACT to adopt the Building Construction Act; to provide penalties; and to provide for severability.

LEGISLATIVE BILL 276. By Hoagland, 6th District; Marsh, 29th District.

A BILL FOR AN ACT to amend sections 42-351, 42-357, and 42-924, Reissue Revised Statutes of Nebraska, 1943, relating to divorce and alimony; to change a provision relating to the district court's jurisdiction as prescribed; to change provisions for a restraining order; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 277. By Judiciary Committee: Beutler, 28th District, Chairperson; R. Johnson, 34th District; Chambers, 11th District; Jacobson, 33rd District; Chronister, 18th District; Von Minden, 17th District.

A BILL FOR AN ACT to amend section 25-824, Reissue Revised Statutes of Nebraska, 1943, relating to civil procedure; to change a limitation on certain awards for counsel fees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 278. By Landis, 46th District.

A BILL FOR AN ACT to amend section 44-333.01, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to provide an exception to the requirement of an examination for agents; to define a term; and to repeal the original section.

LEGISLATIVE BILL 279. By Hefner, 19th District.

A BILL FOR AN ACT to amend section 48-628, Revised Statutes

Supplement, 1982, relating to labor; to change the period of time an individual is disqualified for benefits; and to repeal the original section.

LEGISLATIVE BILL 280. By Fowler, 27th District; Wiitala, 31st District.

A BILL FOR AN ACT relating to employers and employees; to define terms; to provide duties for employers regarding toxic substances; to provide protections for employees; to provide a penalty; and to provide for severability.

LEGISLATIVE BILL 281. By Chronister, 18th District.

A BILL FOR AN ACT to amend sections 19-421 and 19-632, Reissue Revised Statutes of Nebraska, 1943, and section 18-2518, Revised Statutes Supplement, 1982, relating to cities and villages; to authorize the delegation of certain duties of city and village clerks and election commissioners; and to repeal the original sections.

LEGISLATIVE BILL 282. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 66-467.01, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicle fuels; to change the amount of funds credited to the Agricultural Alcohol Fuel Tax Fund as prescribed; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 283. By V. Johnson, 8th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to adoption records; to amend section 71-626.01, Reissue Revised Statutes of Nebraska, 1943, and section 43-113, Revised Statutes Supplement, 1982; to authorize access to records; to harmonize provisions; and to repeal the original sections, and also sections 43-119 to 43-146, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 284. By Cullan, 49th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to technical community colleges; to amend sections 79-2637 and 85-962, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to change provisions relating to role and mission; and to repeal the original sections, and also section 85-963, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 285. By R. Peterson, 21st District; Von Minden, 17th District.

A BILL FOR AN ACT to amend sections 48-626 and 48-628, Revised Statutes Supplement, 1982, relating to labor; to change provisions relating to benefits as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 286. By Education Committee: Vickers, 38th District, Chairperson; Cullan, 49th District; Fowler, 27th District; Lamb, 43rd District; Wiitala, 31st District; Goll, 16th District.

A BILL FOR AN ACT to amend section 79-445, Revised Statutes Supplement, 1982, relating to schools; to change provisions relating to payment of nonresident tuition as prescribed; and to repeal the original section.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Carsten asked unanimous consent to have his name added as co-introducer to LB 232. No objections. So ordered.

Mr. Sieck asked unanimous consent to have his name added as co-introducer to LB 142. No objections. So ordered.

Mrs. Higgins asked unanimous consent to have her name added as co-introducer to LB 164. No objections. So ordered.

Mr. H. Peterson asked unanimous consent to have his name added as co-introducer to LB 234. No objections. So ordered.

Mr. Wesely asked unanimous consent to have his name withdrawn as co-introducer to LB 157. No objections. So ordered.

Mr. R. Johnson asked unanimous consent to have his name withdrawn as co-introducer to LB 157. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 287. By Education Committee: Vickers, 38th District, Chairperson; Lamb, 43rd District; Cullan, 49th District; Fowler, 27th District; Wiitala, 31st District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,119 and 79-1338, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the School Foundation and Equalization Fund; and to repeal the original sections.

LEGISLATIVE BILL 288. By Education Committee: Vickers, 38th District, Chairperson; Cullan, 49th District; Fowler, 27th District;

Wiitala, 31st District; Goll, 16th District.

A BILL FOR AN ACT to amend sections 79-101 and 79-201, Reissue Revised Statutes of Nebraska, 1943, relating to education; to define and redefine terms; to provide for an alternative school year; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 289. By Education Committee: Vickers, 38th District, Chairperson; Cullan, 49th District; Fowler, 27th District; Wiitala, 31st District; Goll, 16th District.

A BILL FOR AN ACT to amend section 79-701, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to the reclassification of certain school districts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 290. By Education Committee: Vickers, 38th District, Chairperson; Cullan, 49th District; Fowler, 27th District; Wiitala, 31st District; Goll, 16th District.

A BILL FOR AN ACT to amend sections 85-901, 85-907 to 85-911, 85-913, and 85-974, Reissue Revised Statutes of Nebraska, 1943, relating to postsecondary education; to restate intent; to change the powers and duties of the Nebraska Coordinating Commission for Postsecondary Education; to change provisions relating to such commission; to provide for a biennial report; and to repeal the original sections, and also section 85-916, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 291. By Morehead, 30th District.

A BILL FOR AN ACT to amend sections 19-1801 and 19-3501, Reissue Revised Statutes of Nebraska, 1943, relating to the civil service commission; to allow certain cities and villages to have civil service commissions as prescribed; to change a provision relating to employee pension plans; and to repeal the original sections.

LEGISLATIVE BILL 292. By Hefner, 19th District.

A BILL FOR AN ACT relating to the Commission of Industrial Relations; to amend section 84-901, Reissue Revised Statutes of Nebraska, 1943, and section 48-817, Revised Statutes Supplement, 1982; to redefine a term; to provide additional duties for the Commission of Industrial Relations; and to repeal the original sections.

LEGISLATIVE BILL 293. By Lamb, 43rd District; Sieck, 24th District; Carsten, 2nd District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 37-216.08, Reissue Revised Statutes of Nebraska, 1943, relating to game and parks; to provide for compensation to certain possessors of land for damages from wildlife; and to repeal the original section.

LEGISLATIVE BILL 294. By Lamb, 43rd District; Sieck, 24th District; Carsten, 2nd District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 37-201, Revised Statutes Supplement, 1982, relating to permits to hunt and fish; to provide exemptions from the permit requirements for certain persons; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 11.

Introduced by Beutler, 28th District.

A Resolution to propose an amendment to Article III, section 7, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 7, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 7. At the general election to be held in November, 1964, one half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years, and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature; PROVIDED, that when the Legislature is redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary as provided by law in an amount not to exceed one-third of the salary received by the Governor, except that when the members of the Legislature introduce more than nine hundred bills during any biennial session, excluding special sessions, the salary of each member of the Legislature shall ~~of~~ not ~~to~~ exceed four hundred dollars per month during the ~~term of his office~~ following biennial session. In addition to his or her salary, each member shall receive an

amount equal to his or her 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.".

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 members of the Legislature shall receive a salary not to exceed one-third of the Governor's salary when a limited number of bills are introduced.

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.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 12.

Introduced by Goodrich, 20th District; Labedz, 5th District; Higgins, 9th District; Hoagland, 6th District; Fowler, 27th District; Beutler, 28th District; Wesely, 26th District; R. Johnson, 34th District; Newell, 13th District; Barrett, 39th District; Nichol, 48th District; Cullan, 49th District; Rupp, 22nd District; Morehead, 30th District; Doyle, 14th District; Carsten, 2nd District; Chronister, 18th District; Schmit, 23rd District; DeCamp, 40th District; Eret, 32nd District.

A Resolution to propose an amendment to Article III, section 10, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 10, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 10. Beginning ~~with the year 1975~~ December 1, 1985, regular sessions of the Legislature shall be held annually, commencing at 10 a.m. on the ~~first Wednesday after the first~~ second Monday in ~~January~~ December of each year and the terms of members shall commence on such date. The duration of regular sessions held shall not exceed ninety legislative days in ~~odd-numbered~~ sessions commencing in

even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature, and shall not exceed sixty legislative days in ~~even-numbered~~ sessions commencing in odd-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature. Bills and resolutions under consideration by the Legislature upon adjournment of a regular session ~~held~~ commencing in an ~~odd-numbered~~ even-numbered year may be considered at the next regular session, as if there had been no such adjournment. The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided. A majority of the members elected to the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, including a Speaker to preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to change the date when the Legislature meets in regular session and when the terms of members shall commence.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Executive Board.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 295. By Wesely, 26th District.

A BILL FOR AN ACT to amend sections 87-302, 87-303.08, and 87-307, Reissue Revised Statutes of Nebraska, 1943, relating to deceptive trade practices; to prohibit certain practices; to redefine a

term; to provide a penalty; and to repeal the original sections, and also sections 87-308 to 87-310, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 296. By Hoagland, 6th District.

A BILL FOR AN ACT to amend sections 79-1290 and 79-1292, Reissue Revised Statutes of Nebraska, 1943, relating to teachers; to change a provision relating to the recognition of teacher organizations as prescribed; to change a provision relating to the settlement of disputes as prescribed; to provide for the jurisdiction of the Nebraska Commission of Industrial Relations; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 297. By DeCamp, 40th District; Hefner, 19th District; Cullan, 49th District; Schmit, 23rd District; Pappas, 42nd District; Clark, 47th District; Remmers, 1st District; Wagner, 41st District.

A BILL FOR AN ACT to amend sections 39-618.02, 39-634.01, 39-1320, 39-1320.03, 39-1320.06, 39-1320.07, and 39-1320.09, Reissue Revised Statutes of Nebraska, 1943, relating to signs; to state intent; to authorize certain signs as prescribed; to harmonize provisions; to create a fund; and to repeal the original sections, and also sections 39-634.02 and 39-1320.11, Reissue Revised Statutes of Nebraska, 1943, and section 39-1320.01, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 298. By DeCamp, 40th District; Haberman, 44th District; Clark, 47th District; Labedz, 5th District; Schmit, 23rd District; Beyer, 3rd District.

A BILL FOR AN ACT to amend section 44-1601, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to change a provision relating to group life insurance requirements as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 299. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Clark, 47th District; Labedz, 5th District; Schmit, 23rd District; Beyer, 3rd District; Haberman, 44th District.

A BILL FOR AN ACT relating to insurance companies; to provide for certain investments by domestic life insurance companies as prescribed.

LEGISLATIVE BILL 300. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Haberman, 44th District; Remmers, 1st District; Clark, 47th District; Labedz, 5th District; Schmit, 23rd District; Newell, 13th District; Beyer, 3rd District.

A BILL FOR AN ACT to amend section 21-2074, Reissue Revised Statutes of Nebraska, 1943, and section 21-2079, Revised Statutes Supplement, 1982, relating to corporations; to change requirements for corporate mergers as prescribed; to provide for shareholder's dissent as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 301. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Haberman, 44th District; Clark, 47th District; Labedz, 5th District; Schmit, 23rd District; Beyer, 3rd District.

A BILL FOR AN ACT relating to insurance; to provide for investments of an insurance company in certain funds.

ANNOUNCEMENT

Mr. Hoagland announced the Rules Committee will meet Monday, January 17, 1983 upon adjournment in room 1101.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 302. By Revenue Committee: Carsten, 2nd District, Chairperson; Lundy, 36th District; Hannibal, 4th District; Hefner, 19th District; Landis, 46th District.

A BILL FOR AN ACT relating to fuels; to amend sections 60-312, 66-434, 66-466, 66-602, 66-606, 66-606.01, and 66-624, Reissue Revised Statutes of Nebraska, 1943, and section 60-302, Revised Statutes Supplement, 1982; to modify provisions relating to registration of vehicles; to modify provisions relating to motor vehicle and special fuels; to define terms; to require permits as prescribed; to provide fees; to provide penalties; to provide an exemption from certain taxes; to provide operative dates; and to repeal the original sections.

MOTION - Proposed Rule Change

Messrs. Hoagland, Newell, and DeCamp moved to suspend Rule 2 Section 2, Rule 7 Section 1, Rule 5 Section 4(c) specifically for the purpose of allowing bill introductions on the 11th Legislative Day, January 24, 1983.

Laid over.

ADJOURNMENT

At 10:35 a.m., on a motion by Mr. Doyle, the Legislature adjourned

until 10:00 a.m., Monday, January 17, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTH DAY - JANUARY 17, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 17, 1983

Pursuant to adjournment, the Legislature met at 10:00 a.m., President McGinley presiding.

PRAYER

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

ROLL CALL

The roll was called and all members were present except Messrs. V. Johnson and Warner who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventh Day was approved.

ANNOUNCEMENTS

Mr. Carsten announced the apples for the members are from the 2nd Legislative District.

Mr. Clark announced the Intergovernmental Cooperation Committee elected Mr. DeCamp as Vice Chairperson.

Mr. Newell announced the Urban Affairs Committee elected Mrs. Higgins as Vice Chairperson.

REPORTS

Received a proposed lease contract from State Building Division for the McMill Building in Norfolk.

Received from Department of Roads a statement of deposits to Highway Cash Fund and Roads Operation Cash Fund for month of December.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 97	Friday, January 28, 1983	1:30 p.m.
LB 108	Thursday, February 3, 1983	1:30 p.m.
LB 129	Thursday, Febraury 3, 1983	1:30 p.m.
LB 148	Thursday, February 3, 1983	1:30 p.m.

(Signed) David Landis, Chairperson

Public Works

LB 179	Friday, January 28, 1983	1:30 p.m.

(Signed) Loran Schmit, Chairperson

Revenue

LB 101	Monday, January 24, 1983	10:00 a.m.
LB 193	Monday, January 24, 1983	10:00 a.m.
LB 194	Monday, January 24, 1983	10:00 a.m.
LB 195	Monday, January 24, 1983	10:00 a.m.
LB 196	Monday, January 24, 1983	10:00 a.m.

(Signed) Calvin Carsten, Chairperson

Education

LB 9	Monday, January 24, 1983	10:30 a.m.
LB 103	Monday, January 24, 1983	10:30 a.m.
LB 39	Monday, January 24, 1983	1:30 p.m.
LB 29	Monday, January 24, 1983	1:30 p.m.
LB 126	Tuesday, January 25, 1983	10:00 a.m.
LB 106	Tuesday, January 25, 1983	1:30 p.m.
LB 99	Tuesday, January 25, 1983	1:30 p.m.

(Signed) Tom Vickers, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 7 and LR 9.

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. Kahle asked unanimous consent to have his name withdrawn as co-introducer to LB 47. No objections. So ordered.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Lundy asked unanimous consent to have his name added as co-introducer to LB 198 and LB 155. No objections. So ordered.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board of the Nebraska Legislature hereby submits the attached report on the referral of legislative bills 200 through 243 inclusive, and Legislative Resolution No. 8, for the approval of the Nebraska State Legislature.

LB	Committee
200	Agriculture and Environment
201	Nebraska Retirement Systems
202	Judiciary
203	Education
204	Public Works
205	Judiciary
206	Public Works
207	Education
208	Judiciary
209	Education
210	Nebraska Retirement Systems
211	Education
212	Revenue
213	Miscellaneous Subjects
214	Miscellaneous Subjects
215	Banking, Commerce and Insurance
216	Nebraska Retirement Systems
217	Business and Labor
218	Nebraska Retirement Systems
219	Nebraska Retirement Systems
220	Nebraska Retirement Systems
221	Judiciary
222	Nebraska Retirement Systems
223	Nebraska Retirement Systems
224	Revenue
225	Public Health and Welfare
226	Miscellaneous Subjects
227	Education
228	Revenue
229	Miscellaneous Subjects

230	Miscellaneous Subjects
231	Public Works
232	Public Works
233	Judiciary
234	Public Works
235	Public Health and Welfare
236	Public Works
237	Nebraska Retirement Systems
238	Banking, Commerce and Insurance
239	Banking, Commerce and Insurance
240	Banking, Commerce and Insurance
241	Banking, Commerce and Insurance
242	Public Works
243	Banking, Commerce and Insurance

LR	**Committee**
8	Constitutional Revision and Recreation

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

BILLS ON FIRST READING

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

LEGISLATIVE BILL 303. By Urban Affairs Committee: Newell, 13th District, Chairperson; Higgins, 9th District; Fenger, 45th District; Vickers, 38th District; Remmers, 1st District; Rupp, 22nd District; Haberman, 44th District.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-709.01, Reissue Revised Statutes of Nebraska, 1943, and section 31-755, Revised Statutes Supplement, 1982; to change certain interest provisions on payments due contractors; and to repeal the original sections.

LEGISLATIVE BILL 304. By Urban Affairs Committee: Newell, 13th District, Chairperson; Higgins, 9th District; Fenger, 45th District; Vickers, 38th District; Remmers, 1st District; Rupp, 22nd District.

A BILL FOR AN ACT relating to municipalities and villages; to amend section 17-802, Reissue Revised Statutes of Nebraska, 1943, and sections 16-321, 16-691, 17-503, and 17-568.01, Revised Statutes Supplement, 1982; to change limits below which a board of public works may act without approval of city council; to provide for the sale of certain property; to change duties of cities and villages; and to repeal the original sections.

LEGISLATIVE BILL 305. By Marsh, 29th District.

A BILL FOR AN ACT to amend section 60-311, Revised Statutes Supplement, 1982, relating to motor vehicles; to change provisions relating to the design of number plates; and to repeal the original section.

LEGISLATIVE BILL 306. By Marsh, 29th District.

A BILL FOR AN ACT to amend section 29-431, Reissue Revised Statutes of Nebraska, 1943, relating to crimes; to clarify a definition; to require that certain children be secured within a motor vehicle; to provide penalties; to clarify negligence in certain instances; and to repeal the original section.

LEGISLATIVE BILL 307. By Hefner, 19th District.

A BILL FOR AN ACT to amend sections 29-2532 and 29-2533, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to modify provisions relating to the mode of inflicting the punishment of death; and to repeal the original sections.

LEGISLATIVE BILL 308. By Abboud, 12th District.

A BILL FOR AN ACT to amend section 16-104, Revised Statutes Supplement, 1982, relating to cities of the first class; to change the provisions relating to number of wards of a first-class city; and to repeal the original section.

LEGISLATIVE BILL 309. By Barrett, 39th District.

A BILL FOR AN ACT to amend section 75-308, Reissue Revised Statutes of Nebraska, 1943, relating to motor carriers; to provide exceptions to tariff provisions; and to repeal the original section.

LEGISLATIVE BILL 310. By Remmers, 1st District.

A BILL FOR AN ACT to amend section 17-543, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the second class and villages; to remove a prohibition on eligibility for the office of water commissioner; and to repeal the original section.

LEGISLATIVE BILL 311. By Goll, 16th District.

A BILL FOR AN ACT to amend section 84-712.05, Reissue Revised Statutes of Nebraska, 1943, relating to public records; to authorize the withholding of certain records as prescribed.

LEGISLATIVE BILL 312. By Hoagland, 6th District.

A BILL FOR AN ACT relating to civil liability; to amend section 39-619, Reissue Revised Statutes of Nebraska, 1943; to provide a method for determining amount of liability; and to repeal the original section, and also section 25-1151, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 313. By Fowler, 27th District.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2309, 84-1310, and 84-1311, Reissue Revised Statutes of Nebraska, 1943, and section 23-2310, Revised Statutes Supplement, 1982; to change provisions relating to a member's contribution; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 314. By R. Peterson, 21st District; Higgins, 9th District.

A BILL FOR AN ACT to adopt the Occupational Therapy Act; and to provide a penalty.

LEGISLATIVE BILL 315. By Beutler, 28th District.

A BILL FOR AN ACT to amend section 84-201, Reissue Revised Statutes of Nebraska, 1943, relating to state officers; to provide an eligibility requirement for the position of Attorney General; and to repeal the original section.

LEGISLATIVE BILL 316. By Beutler, 28th District; Cullan, 49th District.

A BILL FOR AN ACT relating to surface water; to state intent; to define terms; to provide for registration and adjudication of riparian rights as prescribed; and to provide for notice.

LEGISLATIVE BILL 317. By Beutler, 28th District.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1982, relating to revenue and taxation; to increase the food sales tax credit; and to repeal the original section; and to provide an operative date.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Jacobson asked unanimous consent to have his name added as co-introducer to LB 19. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 318. By Beutler, 28th District.

A BILL FOR AN ACT to amend section 60-1001.01, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska State Patrol; to authorize the use of unmarked patrol cars as prescribed; and to repeal the original section.

LEGISLATIVE BILL 319. By Beyer, 3rd District.

A BILL FOR AN ACT to amend section 48-604, Revised Statutes Supplement, 1982, relating to unemployment insurance; to provide an additional definition; and to repeal the original section.

LEGISLATIVE BILL 320. By Beutler, 28th District.

A BILL FOR AN ACT relating to eminent domain; to provide procedure for appeal of a condemnation award; to provide for pending cases; and to declare an emergency.

LEGISLATIVE BILL 321. By Newell, 13th District.

A BILL FOR AN ACT to amend sections 79-1520, 79-1531, 79-1533, and 79-1540, Reissue Revised Statutes of Nebraska, 1943, and section 79-1522.01, Revised Statutes Supplement, 1982, relating to the school retirement system; to change conditions for receiving retirement benefits as prescribed; to change provisions relating to the monthly formula annuity; to change the amount deposited by school employees as prescribed; to require an additional state deposit to a certain fund; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 322. By R. Johnson, 34th District.

A BILL FOR AN ACT to amend section 77-2702, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to provide for the payment of a sales tax on the materials and components of mobile homes and manufactured housing; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 323. By Marsh, 29th District; Fowler, 27th District; Kilgarin, 7th District.

A BILL FOR AN ACT to amend sections 71-183.01 and 71-193.13, Reissue Revised Statutes of Nebraska, 1943, relating to dentistry; to define terms; to change provisions relating to the duties and powers of

dental hygienists; to provide for rules and regulations; to harmonize provisions; and to repeal the original sections, and also section 71-193.09, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 324. By Wesely, 26th District.

A BILL FOR AN ACT to amend section 44-407.01, Revised Statutes Supplement, 1982, relating to life insurance; to change provisions relating to certain life insurance policies as prescribed; and to repeal the original section.

LEGISLATIVE BILL 325. By Higgins, 9th District; Beutler, 28th District; Chronister, 18th District.

A BILL FOR AN ACT relating to state officers; to amend sections 1-112, 84-301, and 84-304.01, Reissue Revised Statutes of Nebraska, 1943; to define the profession of accountancy; to provide for applicability of certain rules; to provide for certification as prescribed; to provide certain powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 326. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 60-412, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicle operator's licenses; to provide criteria for inspection of a person's driving record; and to repeal the original section.

LEGISLATIVE BILL 327. By Schmit, 23rd District.

A BILL FOR AN ACT to amend sections 70-1002.03, 70-1011, 70-1012, 70-1012.01, 70-1014, and 70-1015, Reissue Revised Statutes of Nebraska, 1943, relating to power districts and corporations; to eliminate certain provisions relating to the acquisition of facilities and lines; and to repeal the original sections.

LEGISLATIVE BILL 328. By Goodrich, 20th District.

A BILL FOR AN ACT to amend sections 79-12,111, 79-12,115, 79-12,117, and 79-12,121, Revised Statutes Supplement, 1982, relating to school employees; to change provisions relating to evaluation of probationary employees; to change provisions relating to the procedure for cancellation or nonrenewal of the employee's contract; to allow for reassignment of employees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 329. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 25-1641, Revised Statutes Supplement, 1982, relating to juror selection; to change provisions relating to the selection of petit jurors as prescribed; and to repeal the original section.

LEGISLATIVE BILL 330. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 28-807, Reissue Revised Statutes of Nebraska, 1943, relating to crimes and punishments; to define and redefine terms; to create the crimes of use of a child in a sexual performance, promoting an obscene sexual performance by a child, and promoting a sexual performance by a child; to provide penalties; to harmonize provisions; and to repeal the original section, and also sections 28-1463 and 28-1464, Reissue Revised Statutes of Nebraska, 1943.

UNANIMOUS CONSENT - Member Excused

Mr. Fowler asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

EASE

The Legislature was at ease from 10:30 a.m. until 10:52 a.m.

NOTICE OF COMMITTEE HEARINGS

Education

LB 62	Monday, January 31, 1983	1:30 p.m.
LB 186	Monday, January 31, 1983	1:30 p.m.
LB 141	Monday, January 31, 1983	1:30 p.m.

(Signed) Tom Vickers, Chairperson

Public Health and Welfare

LB 87	Monday, January 24, 1983	1:30 p.m.
LB 60	Monday, January 24, 1983	1:30 p.m.

(Signed) George Fenger, Chairperson

Judiciary

LB 88	Monday, January 24, 1983	9:30 a.m.
LB 54	Monday, January 24, 1983	9:30 a.m.
LB 139	Monday, January 24, 1983	9:30 a.m.
LB 40	Monday, January 24, 1983	1:30 p.m.

LB 41	Monday, January 24, 1983	1:30 p.m.
LB 57	Monday, January 24, 1983	1:30 p.m.
LB 32	Tuesday, January 25, 1983	9:30 a.m.
LB 107	Tuesday, January 25, 1983	9:30 a.m.
LB 110	Tuesday, January 25, 1983	9:30 a.m.
LB 74	Tuesday, January 25, 1983	1:30 p.m.
LB 138	Tuesday, January 25, 1983	1:30 p.m.
LB 80	Tuesday, January 25, 1983	1:30 p.m.
LB 78	Wednesday, January 26, 1983	10:00 a.m.
LB 79	Wednesday, January 26, 1983	10:00 a.m.
LB 84	Wednesday, January 26, 1983	1:30 p.m.
LB 123	Wednesday, January 26, 1983	1:30 p.m.

(Signed) Chris Beutler, Chairperson

ANNOUNCEMENT

Mr. Beutler announced the Judiciary Committee will meet in Executive Session January 26, 1983 at 9:00 a.m. in room 1113.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 331. By Goodrich, 20th District.

A BILL FOR AN ACT to amend sections 79-801 and 79-802, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to the annexation of school district territory; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 332. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 79-490, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to the transportation allowance as prescribed; and to repeal the original section.

LEGISLATIVE BILL 333. By Goodrich, 20th District.

A BILL FOR AN ACT relating to schools; to provide the governing board of a Class V school district with certain contract powers.

LEGISLATIVE BILL 334. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 76-1207, Reissue Revised Statutes of Nebraska, 1943, relating to real property; to change provisions relating to replacement dwellings as prescribed; and to repeal the original section.

LEGISLATIVE BILL 335. By Abboud, 12th District.

A BILL FOR AN ACT to amend sections 75-126 and 75-128, Revised Statutes Supplement, 1982, relating to the Public Service Commission; to change provisions relating to rates and services of common carriers as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 336. By DeCamp, 40th District; Kilgarin, 7th District; Pappas, 42nd District.

A BILL FOR AN ACT to adopt the State Lottery Act; to amend sections 28-1115, 28-1116, and 77-3425, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715, Revised Statutes Supplement, 1982; to create a fund; to provide an exception to the state income tax; to change provisions relating to lotteries; to provide an exception to budget limitation provisions; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 337. By Vickers, 38th District.

A BILL FOR AN ACT to amend section 79-2637, Reissue Revised Statutes of Nebraska, 1943, and section 79-2651, Revised Statutes Supplement, 1982, relating to technical community colleges; to redefine terms; to change provisions relating to funding; and to repeal the original sections.

LEGISLATIVE BILL 338. By Wesely, 26th District.

A BILL FOR AN ACT relating to specific conveyances; to authorize the Department of Public Institutions to sell certain property; to provide a right of first refusal to Lancaster County; to provide powers and duties; to provide for use of the proceeds from the sale; and to provide for severability.

LEGISLATIVE BILL 339. By DeCamp, 40th District.

A BILL FOR AN ACT relating to property; to adopt the Family Farm Preservation Act as prescribed; to amend sections 72-232, 72-257.01, 72-258, 77-112, and 77-1330, Reissue Revised Statutes of Nebraska, 1943, and sections 2-4127, 2-4131, 2-4152, and 77-2715, Revised Statutes Supplement, 1982; to provide additional powers to the Agricultural Development Corporation; to harmonize provisions; to provide and change loan eligibility requirements; to provide an

appropriation; to provide an income tax credit; to change provisions relating to the sale and lease of school lands; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 340. By DeCamp, 40th District.

A BILL FOR AN ACT to adopt the Nebraska Foreign Market and Port Development Act; and to declare an emergency.

LEGISLATIVE BILL 341. By Vickers, 38th District; Wiitala, 31st District.

A BILL FOR AN ACT relating to state aid to public schools; to provide the source of funds for the School Foundation and Equalization Fund; to amend section 79-1332, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.

LEGISLATIVE BILL 342. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 60-329, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to change the registration fee for certain vehicles; to provide an operative date; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 343. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 9-401, Uniform Commercial Code, relating to filing; to change the place of filing as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 344. By DeCamp, 40th District.

A BILL FOR AN ACT relating to highways; to require the issuance of bonds for construction of highways; to provide priorities for use of such bonds; to authorize establishment of a toll road; to provide intent; and to declare an emergency.

LEGISLATIVE BILL 345. By DeCamp, 40th District.

A BILL FOR AN ACT relating to the taxation of oil and gas; to amend section 57-702, Reissue Revised Statutes of Nebraska, 1943; to exempt certain wells from the levy of a tax; and to repeal the original section.

LEGISLATIVE BILL 346. By DeCamp, 40th District.

A BILL FOR AN ACT to adopt the Nebraska Liquefied Gas Tax Act; to redefine a term; to amend section 66-602, Reissue Revised Statutes of Nebraska, 1943; to provide an operative date; and to repeal the

original section.

LEGISLATIVE BILL 347. By DeCamp, 40th District; Kilgarin, 7th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to lotteries; to state intent; to define terms; to authorize certain lotteries; to impose a tax; to authorize a tax; to provide a penalty; to provide for rules and regulations; to repeal provisions relating to lotteries, raffles, and gift enterprises; to repeal sections 28-1115 and 28-1116, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 348. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 74-1320, Reissue Revised Statutes of Nebraska, 1943, relating to railroads; to increase an excise tax; and to repeal the original section.

LEGISLATIVE BILL 349. By DeCamp, 40th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to the Social Security Act; to withdraw the participation of state and political subdivision employees from the social security system; to provide an operative date; to repeal sections 68-601 to 68-618, 68-620, and 68-621 to 68-631, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 350. By Vickers, 38th District.

A BILL FOR AN ACT relating to utilities; to define terms; to provide civil remedies for diversion of utility services; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 351. By DeCamp, 40th District; Eret, 32nd District.

A BILL FOR AN ACT to amend sections 25-1505 and 25-1506, Reissue Revised Statutes of Nebraska, 1943, relating to executions; to change the period for stay of mortgage foreclosures as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 352. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 25-2501, Reissue Revised Statutes of Nebraska, 1943, relating to procedure; to provide an additional exception to the procedure for acquisition of property for public use; to harmonize provisions; and to repeal the original section, and also section 25-2505, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 353. By Cullan, 49th District.

A BILL FOR AN ACT to amend sections 77-801 and 77-802, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to change provisions relating to franchise taxes; and to repeal the original sections.

LEGISLATIVE BILL 354. By Cullan, 49th District.

A BILL FOR AN ACT relating to game and parks; to appropriate funds for the Crawford Fish Hatchery as prescribed; and to declare an emergency.

LEGISLATIVE BILL 355. By Cullan, 49th District.

A BILL FOR AN ACT to amend section 5-105, Revised Statutes Supplement, 1982, relating to apportionment; to change judicial districts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 356. By Cullan, 49th District.

A BILL FOR AN ACT to amend sections 81-1502, 81-1504, 81-1505, 81-1506, and 81-1508, Reissue Revised Statutes of Nebraska, 1943, relating to environmental protection; to define terms; to provide additional powers for the Department of Environmental Control; to authorize regulations relating to injection wells as prescribed; to create an advisory committee; to eliminate provisions relating to plans, specifications, and information; to provide penalties; and to repeal the orignal sections.

LEGISLATIVE BILL 357. By Nebraska Retirement Systems Committee: Fowler, 27th District, Chairperson; Goodrich, 20th District; Vickers, 38th District; Wesely, 26th District.

A BILL FOR AN ACT to amend section 16-336, Revised Statutes Supplement, 1982, relating to cities of the first class; to change provisions relating to police officer pensions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 358. By Higgins, 9th District.

A BILL FOR AN ACT to amend section 29-2001, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to provide an exception to requirements for jury trial; and to repeal the original section.

LEGISLATIVE BILL 359. By Kilgarin, 7th District; Fenger, 45th District; Pirsch, 10th District.

A BILL FOR AN ACT to amend sections 14-1041 and 14-1042, Reissue Revised Statutes of Nebraska, 1943, relating to metropolitan water and utilities districts; to change provisions relating to payments to cities and villages; to remove obsolete language; and to repeal the original sections.

LEGISLATIVE BILL 360. By DeCamp, 40th District.

A BILL FOR AN ACT relating to release of liability; to prohibit certain statements or releases of liability by an injured person; and to restrict their use as evidence.

LEGISLATIVE BILL 361. By Kilgarin, 7th District.

A BILL FOR AN ACT relating to traffic; to prescribe the power to restrict traffic as prescribed; to provide duties; and to provide a penalty.

LEGISLATIVE BILL 362. By Hannibal, 4th District.

A BILL FOR AN ACT relating to metropolitan utilities districts; to authorize such districts to establish and participate in certain conservation and weatherization programs.

LEGISLATIVE BILL 363. By Newell, 13th District; Morehead, 30th District.

A BILL FOR AN ACT to amend section 77-2769, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2704, 77-2715, and 77-2715.01, Revised Statutes Supplement, 1982, relating to revenue and taxation; to eliminate the sales tax on certain food; to eliminate the food sales tax credit; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 364. By Carsten, 2nd District.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1982, relating to sales and income tax; to change provisions relating to income tax rates as prescribed; and to repeal the original section.

LEGISLATIVE BILL 365. By Hefner, 19th District; Von Minden, 17th District.

A BILL FOR AN ACT to amend section 2-1207, Revised Statutes Supplement, 1982, relating to horse racing; to change provisions relating to deductions from wagers; to provide for the use of such deductions; and to repeal the original section.

LEGISLATIVE BILL 366. By R. Johnson, 34th District.

A BILL FOR AN ACT to amend sections 70-662 and 70-663, Reissue Revised Statutes of Nebraska, 1943, relating to public power and irrigation districts; to change provisions relating to district changes in territory; to change provisions related to the notice and hearing of amendments; and to repeal the original sections.

LEGISLATIVE BILL 367. By Government, Military and Veterans Affairs Committee: Landis, 46th District, Chairperson; Chambers, 11th District; R. Johnson, 34th District; Beutler, 28th District; Vickers, 38th District; Goll, 16th District; Higgins, 9th District.

A BILL FOR AN ACT to repeal sections 71-2901 to 71-2916, Reissue Revised Statutes of Nebraska, 1943, relating to mosquito abatement.

LEGISLATIVE BILL 368. By Government, Military and Veterans Affairs Committee: Landis, 46th District, Chairperson; Chambers, 11th District; R. Johnson, 34th District; Beutler, 28th District; Vickers, 38th District; Goll, 16th District; Higgins, 9th District.

A BILL FOR AN ACT relating to cities; to amend sections 16-305, 17-108.02, and 17-209.02, Reissue Revised Statutes of Nebraska, 1943; to provide requirements and limitations for certain officers; to change provisions relating to employment; and to repeal the original sections.

LEGISLATIVE BILL 369. By Government, Military and Veterans Affairs Committee: Landis, 46th District, Chairperson; Chambers, 11th District; R. Johnson, 34th District; Beutler, 28th District; Vickers, 38th District; Goll, 16th District.

A BILL FOR AN ACT relating to bonds of public officers and employees; to amend sections 11-126, 51-403, and 80-401.08, Reissue Revised Statutes of Nebraska, 1943, and section 11-119, Revised Statutes Supplement, 1982; to increase the bond penalties of certain state officers; to permit the purchase of blanket bonds for certain officers, deputies, and employees; and to repeal the original sections.

LEGISLATIVE BILL 370. By Landis, 46th District.

A BILL FOR AN ACT relating to political subdivisions; to prohibit certain contracts involving city, village, and county officers; to provide exceptions to such prohibitions; to define terms; to require the filing of certain information; to amend sections 15-603, 16-502, 17-611, and 23-324.07, Reissue Revised Statutes of Nebraska, 1943, and section 19-613, Revised Statutes Supplement, 1982; to harmonize provisions; and to repeal the original sections, and also sections 23-146 and 23-147, Reissue Revised Statutes of Nebraska, 1943, and section 18-301,

Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 371. By Schmit, 23rd District; Marsh, 29th District; Morehead, 30th District; Wesely, 26th District; Wiitala, 31st District; Higgins, 9th District; Labedz, 5th District; Haberman, 44th District; Kilgarin, 7th District; Hoagland, 6th District.

A BILL FOR AN ACT relating to support and protection of certain parties; to amend sections 42-357, 42-364.01, 42-364.02, 42-364.06, 42-364.10 to 42-364.12, and 42-369, Reissue Revised Statutes of Nebraska, 1943, and sections 43-512, 43-512.01 to 43-512.03, and 43-512.05, Revised Statutes Supplement, 1982; to authorize ex parte orders as prescribed; to modify provisions relating to temporary and permanent child support and alimony; to authorize the use of income tax refunds to pay debts for child support; to specify procedures; to state intent; to define terms; to provide duties; and to provide for the release of certain information.

LEGISLATIVE BILL 372. By Landis, 46th District.

A BILL FOR AN ACT to adopt the Community Development Assistance Act; to provide tax credits for businesses providing certain community assistance; to provide duties for the Department of Economic Development and the Tax Commissioner; to amend sections 77-909 and 81-1228, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2715 and 77-2734, Revised Statutes Supplement, 1982; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 373. By Judiciary Committee: Beutler, 28th District, Chairperson; Jacobson, 33rd District; Pirsch, 10th District; R. Johnson, 34th District; Chronister, 18th District.

A BILL FOR AN ACT relating to probate; to amend section 30-2408, Reissue Revised Statutes of Nebraska, 1943, and sections 33-125 and 33-126.03, Revised Statutes Supplement, 1982; to change a limitation on certain proceedings; to change provisions relating to fees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 374. By Judiciary Committee: Beutler, 28th District, Chairperson; Jacobson, 33rd District; Pirsch, 10th District; R. Johnson, 34th District; Chronister, 18th District.

A BILL FOR AN ACT to amend section 28-1101, Reissue Revised Statutes of Nebraska, 1943, relating to crimes and punishments; to change provisions relating to gambling as prescribed; to define a term; and to repeal the original section.

LEGISLATIVE BILL 375. By Chronister, 18th District.

A BILL FOR AN ACT to amend section 60-301, Revised Statutes Supplement, 1982, relating to motor vehicles; to redefine fertilizer trailers; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 376. By Kilgarin, 7th District; Wiitala, 31st District.

A BILL FOR AN ACT to amend section 18-1723, Reissue Revised Statutes of Nebraska, 1943, relating to firefighters and police officers; to provide for a rebuttable presumption in certain workmen's compensation claims; and to repeal the original section.

LEGISLATIVE BILL 377. By Chambers, 11th District.

A BILL FOR AN ACT to amend section 39-669.09, Reissue Revised Statutes of Nebraska, 1943, relating to the rules of the road; to provide that individuals be informed of certain rights by law enforcement officers; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 13.

Introduced by Beyer, 3rd District.

WHEREAS, the county extension programs serve farmers, ranchers, agricultural businesses, public and private organizations, community leaders, families, homemakers, and youth; and

WHEREAS, the programs planned by the extension agents in each county in cooperation with the County Extension Board serve local groups and individuals; and

WHEREAS, extension specialists plan and conduct programs and provide district and statewide coordination; and

WHEREAS, volunteers play an important part in the total extension program and serve as leaders of 4-H clubs, teach lessons at home extension club meetings and help in many other ways.

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

1. That the Legislature recognizes and honors all extension club staff and volunteer leaders comprised of county extension board members, 4-H leaders, home extension club leaders, 4-H and home extension council members, master gardners, and other volunteers who contribute to the success of the educational programs of the Cooperative Extension Service.

Laid over.

LEGISLATIVE RESOLUTION 14.

Introduced by DeCamp, 40th District.

A Resolution to propose an amendment to Article III, section 18, and Article XII, section 1, and repeal of Article XII, section 8, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 18, and Article XII, section 1, and the repeal of Article XII, section 8, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Article III, Sec. 18. The Legislature shall not pass local or special laws in any of the following cases, that is to say:

For granting divorces.

Changing the names of persons or places.

Laying out, opening altering and working roads or highways.

Vacating roads, Town plats, streets, alleys, and public grounds.

Locating or changing County seats.

Regulating County and Township offices.

Regulating the practice of Courts of Justice.

Regulating the jurisdiction and duties of Justices of the Peace, Police Magistrates and Constables.

Providing for changes of venue in civil and criminal cases.

Incorporating Cities, Towns and Villages, or changing or amending the charter of any Town, City, or Village.

Providing for the election of Officers in Townships, incorporated Towns or Cities.

Summoning or empaneling Grand or Petit Juries.

Providing for the bonding of cities, towns, precincts, school districts or other municipalities.

Providing for the management of Public Schools.

The opening and conducting of any election, or designating the place of voting.

The sale or mortgage of real estate belonging to minors, or others under disability.

The protection of game or fish.

Chartering or licensing ferries, or toll bridges, remitting fines, penalties or forfeitures, creating, increasing and decreasing fees, percentage or allowances of public officers, during the term for which said officers are elected or appointed.

Changing the law of descent.

Granting to any corporation, association, or individual, the right

to lay down railroad tracks, or amending existing charters for such purpose.

Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever; PROVIDED, that notwithstanding any other provisions of this Constitution, the Legislature shall have authority to (1) separately define and classify loans and installment sales, to establish maximum rates within classifications of loans or installment sales which it establishes, and to regulate with respect thereto and (2) classify corporations or other entities for purposes of ownership and operation of agricultural land. In all other cases where a general law can be made applicable, no special law shall be enacted.

Article XII, Sec. 1. The Legislature shall provide by general law for the organization, regulation, supervision and general control of all corporations, and for the organization, supervision and general control of mutual and ~~co-operative~~ cooperative companies and associations, and by such legislation shall insure the mutuality and ~~co-operative~~ cooperative features and functions thereof. Foreign corporations transacting or seeking to transact business in this state shall be subject, under general law, to regulation, supervision and general control, and shall not be given greater rights or privileges than are given domestic corporations of a similar character. No corporations shall be created by special law, nor their charters be extended, changed or amended, except those corporations organized for charitable, educational, penal or reformatory purposes, which are to be and remain under the patronage and control of the state, except that the Legislature shall have authority to classify corporations for purposes of ownership and operation of agricultural land. The Legislature shall provide by law that in all elections for directors or managers of incorporated companies every stockholder owning voting stock shall have the right to vote in person or proxy for the number of such shares owned by him or her, for as many persons as there are directors or managers to be elected or to cumulate such shares and give one candidate as many votes as the number of directors multiplied by the number his or her shares shall equal, or to distribute them upon the same ~~principal~~ principle among as many candidates as he or she shall think fit, and such directors or managers shall not be elected in any other manner; PROVIDED, that any mutual or cooperative company or association may, in its articles of incorporation, limit the number of shares of stock any stockholder may own, the transfer of such stock, and the right of each stockholder or member to one vote only in the meetings of such company or association. The Legislature shall by law prohibit the purchase of agricultural lands in this state by certain corporations in order to protect and promote the farm and ranch operations of family farms and farms owned by less than fifteen shareholders. All general laws passed pursuant to this section may be altered from time to time, or repealed.

That Article XII, section 8, of the Constitution of Nebraska is

repealed.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to provide that the Legislature shall have authority to classify corporations or other entities for purposes of ownership and operation of agricultural real estate, that the Legislature shall prohibit ownership of agricultural lands by certain corporations to promote family and small farming operations, and that Article XII, section 8, prohibiting certain corporate ownership of farm land in this state, is repealed.

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.

Referred to the Executive Board.

MOTION - Withdraw LB 157

Mr. Schmit renewed his pending motion found in the Journal on page 174 to withdaw LB 157.

The motion prevailed with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

MOTION - Proposed Rule Change

Messrs. Hoagland, Newell, and DeCamp renewed their pending motion found in the Journal on page 191 to suspend Rule 2 Section 2, Rule 7 Section 1, Rule 5 Section 4(c) specifically for the purpose of allowing bill introductions on the 11th Legislative Day, January 24, 1983.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 7 nays, and 12 not voting.

Mr. Newell asked unanimous consent to withdraw the proposed rule change. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 378. By Public Works Committee: Schmit, 23rd District, Chairperson; Lamb, 43rd District; DeCamp, 40th District; Clark, 47th District; Hoagland, 6th District; Wesely, 26th District.

A BILL FOR AN ACT to amend sections 46-656, 46-657, and 46-673.01, Revised Statutes Supplement, 1982, relating to ground water; to change intent; to define a term; to change provisions relating to a ground water management plan; and to repeal the original sections.

LEGISLATIVE BILL 379. By Public Works Committee: Schmit, 23rd District, Chairperson; Lamb, 43rd District; DeCamp, 40th District; Clark, 47th District; Hoagland, 6th District; Wesely, 26th District.

A BILL FOR AN ACT to amend sections 46-657, 46-666, and 46-673.10, Revised Statutes Supplement, 1982, relating to ground water; to define a term; to establish ground water allocation levels as prescribed; to change provisions relating to the establishment of a management area; and to repeal the original sections.

LEGISLATIVE BILL 380. By Public Works Committee: Schmit, 23rd District, Chairperson; Lamb, 43rd District; DeCamp, 40th District; Doyle, 14th District; Hoagland, 6th District; Wesely, 26th District.

A BILL FOR AN ACT to amend sections 46-229, 46-229.02, and 46-229.04, Reissue Revised Statutes of Nebraska, 1943, relating to surface water; to modify provisions relating to forfeiture, annulment, and cancellation of water appropriations; and to repeal the original sections.

LEGISLATIVE BILL 381. By DeCamp, 40th District; Hoagland, 6th District; Wesely, 26th District.

A BILL FOR AN ACT to amend section 46-613, Reissue Revised Statutes of Nebraska, 1943, and section 46-660, Revised Statutes Supplement, 1982, relating to ground water; to change provisions relating to preference in use; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 382. By Remmers, 1st District.

A BILL FOR AN ACT to amend section 8-407.03, Revised Statutes Supplement, 1982, relating to industrial loan and investment companies; to prolong coverage under this section as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 383. By Hefner, 19th District.

A BILL FOR AN ACT to amend section 81-550, Reissue Revised Statutes of Nebraska, 1943, relating to the State Fire Marshal; to change a provision relating to certain assessments as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 384. By Newell, 13th District.

A BILL FOR AN ACT to amend sections 32-202, 32-208, 32-209.01, and 32-209.02, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to establish an election commissioner; to change the manner of appointment; to repeal the original sections, and also section 32-201, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 385. By Lamb, 43rd District; Sieck, 24th District; Vickers, 38th District.

A BILL FOR AN ACT relating to certain mentally retarded persons; to amend sections 43-661 and 83-1,143.01, Reissue Revised Statutes of Nebraska, 1943, and section 43-626, Revised Statutes Supplement, 1982; to provide powers and duties for regional offices of mental retardation; to establish procedures for placement; to provide for rules and regulations; to provide an exception; and to repeal the original sections.

LEGISLATIVE BILL 386. By Carsten, 2nd District.

A BILL FOR AN ACT to amend section 18-2201, Revised Statutes Supplement, 1982, relating municipalities; to allow a municipality to own or operate community antenna television service; and to repeal the original section.

LEGISLATIVE BILL 387. By DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 79-801 and 79-801.02, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to annexation of school district territory; to change provisions relating to nonresident high school tuition as prescribed; to harmonize provisions; to repeal the original sections, and also section 79-102.01, Reissue Revised Statutes of Nebraska, 1943, and section 79-4,102, Revised Statutes Supplement, 1982; and to declare an emergency.

LEGISLATIVE BILL 388. By Wiitala, 31st District.

A BILL FOR AN ACT to amend section 79-445, Revised Statutes Supplement, 1982, relating to schools; to allow attendance at certain

schools without payment of certain costs as prescribed; and to repeal the original section.

LEGISLATIVE BILL 389. By Wiitala, 31st District; Kilgarin, 7th District.

A BILL FOR AN ACT to adopt the Psychiatric Hospitalization of Minors Act.

LEGISLATIVE BILL 390. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 45-103, Revised Statutes Supplement, 1982, relating to interest; to change provisions relating to the payment of interest; and to repeal the original section.

LEGISLATIVE BILL 391. By H. Peterson, 35th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 33-114 and 77-1701, Reissue Revised Statutes of Nebraska, 1943, and section 23-1601, Revised Statutes Supplement, 1982; to provide duties for county treasurers; to require delivery of certain statements; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 392. By Pappas, 42nd District; Barrett, 39th District.

A BILL FOR AN ACT relating to records; to amend section 83-178, Reissue Revised Statutes of Nebraska, 1943, and section 43-2,108, Revised Statutes Supplement, 1982; to provide for the release of certain records to school districts; and to repeal the original sections.

LEGISLATIVE BILL 393. By Hefner, 19th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 54-134, Reissue Revised Statutes of Nebraska, 1943, relating to livestock; to change the boundaries of the Nebraska brand inspection area as prescribed; and to repeal the original section.

LEGISLATIVE BILL 394. By Kahle, 37th District; L. Johnson, 15th District; Sieck, 24th District; H. Peterson, 35th District; Remmers, 1st District; Von Minden, 17th District, Chronister, 18th District.

A BILL FOR AN ACT relating to county jails; to amend sections 23-2801 to 23-2803, 23-2805, 23-2806, 23-2809, 33-117, 47-120, and 47-121, Revised Statutes Supplement, 1982; to change certain provisions relating to county jails; to provide certain powers and duties

for the county board of corrections; to change sheriff's fees; to relieve sheriffs of certain duties; and to repeal the original sections, and also sections 23-1703, 47-118, and 47-119, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 395. By Revenue Committee: Carsten, 2nd District, Chairperson; Landis, 46th District; Pappas, 42nd District; Hefner, 19th District; Sieck, 24th District; Lundy, 36th District.

A BILL FOR AN ACT to amend section 77-2702, Reissue Revised Statutes of Nebraska, 1943, and section 77-2704, Revised Statutes Supplement, 1982, relating to sales and use taxes; to eliminate a provision relating to water used for manufacturing purposes; to change an exemption; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 396. By Revenue Committee: Carsten, 2nd District, Chairperson; Landis, 46th District; Pappas, 42nd District; Hefner, 19th District; Sieck, 24th District; Lundy, 36th District; Hannibal, 4th District.

A BILL FOR AN ACT relating to revenue and taxation; to eliminate certain homestead exemptions; to harmonize provisions; to amend sections 77-3510, 77-3512, 77-3513, 77-3514, 77-3516, and 77-3524, Reissue Revised Statutes of Nebraska, 1943; to repeal the original sections, and also section 77-3506, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 397. By Schmit, 23rd District.

A BILL FOR AN ACT relating to motor vehicles; to provide additional requirements for certain commercial vehicles as prescribed; to provide duties for the Department of Motor Vehicles; and to provide a penalty.

LEGISLATIVE BILL 398. By Schmit, 23rd District.

A BILL FOR AN ACT to provide an appropriation.

NOTICE OF COMMITTEE HEARING
Constitutional Revision and Recreation

LB 162	Thursday, January 27, 1983	10:30 a.m.
LB 163	Thursday, January 27, 1983	10:30 a.m.
LB 75	Thursday, January 27, 1983	1:30 p.m.
LB 24	Friday, January 28, 1983	10:30 a.m.

LB 34	Friday, January 28, 1983	1:30 p.m.
LB 104	Friday, January 28, 1983	1:30 p.m.

(Signed) Bernice Labedz, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board of the Nebraska Legislature submits the attached report on the referral of legislative bills 244 through 302, inclusive, and LRs 10, 11, and 12, for the approval of the Nebraska State Legislature. Legislative Bill 171 has been re-referred to the Committee on Constitutional Revision and Recreation.

LB	Committee
171	Constitutional Revision and Recreation
244	Public Works
245	Revenue
246	Public Works
247	Public Works
248	Business and Labor
249	Business and Labor
250	Urban Affairs
251	Miscellaneous Subjects
252	Banking, Commerce and Insurance
253	Public Works
254	Public Health and Welfare
255	Appropriations
256	Education
257	Education
258	Miscellaneous Subjects
259	Miscellaneous Subjects
260	Banking, Commerce and Insurance
261	Judiciary
262	Miscellaneous Subjects
263	Appropriations
264	Appropriations
265	Appropriations
266	Appropriations
267	Appropriations
268	Appropriations
269	Judiciary
270	Judiciary
271	Appropriations
272	Judiciary
273	Public Health and Welfare
274	Public Health and Welfare
275	Public Health and Welfare
276	Judiciary

277	Judiciary
278	Banking, Commerce and Insurance
279	Business and Labor
280	Business and Labor
281	Urban Affairs
282	Appropriations
283	Judiciary
284	Education
285	Business and Labor
286	Education
287	Revenue
288	Education
289	Education
290	Education
291	Urban Affairs
292	Business and Labor
293	Constitutional Revision and Recreation
294	Constitutional Revision and Recreation
295	Miscellaneous Subjects
296	Education
297	Public Works
298	Banking, Commerce and Insurance
299	Banking, Commerce and Insurance
300	Banking, Commerce and Insurance
301	Banking, Commerce and Insurance
302	Revenue

LR	Committee
10	Constitutional Revision and Recreation
11	Constitutional Revision and Recreation
12	Constitutional Revision and Recreation

Governor's Appointments - Reference

Public Works

Robert Martin (R) - Motor Vehicle Industry Licensing Board
Ted Cannon (R) - Motor Vehicle Industry Licensing Board
Roger Cross (R) - Motor Vehicle Industry Licensing Board
Donald Beltz (R) - Motor Vehicle Industry Licensing Board
Darrell Barnes - Motor Vehicle Industry Licensing Board

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Sieck asked unanimous consent to have his name added as co-introducer to LB 205, LB 302, and LB 319. No objections. So

ordered.

Messrs. Von Minden and L. Johnson asked unanimous consent to have their names added as co-introducers to LB 19. No objections. So ordered.

Mr. Remmers asked unanimous consent to have his name added as co-introducer to LB 291. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. Haberman asked unanimous consent to have his name withdrawn as co-introducer to LB 127. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 399. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 43-245, Revised Statutes Supplement, 1982, relating to the juvenile code; to define additional terms; and to repeal the original section.

ADJOURNMENT

At 11:59 a.m., on a motion by Mr. Pappas, the Legislature adjourned until 9:00 a.m., Tuesday, January 18, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

NINTH DAY - JANUARY 18, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 18, 1983

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Charles Borrherding, Pastor of Redeemer Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Miss Kilgarin, Messrs. Chambers, Haberman, R. Johnson, and V. Johnson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighth Day was approved.

ANNOUNCEMENT

Mr. Wagner announced the Building Maintenance Committee elected Mr. Kahle as Vice Chairperson.

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 96	Thursday, January 27, 1983 (Cancelled)	1:30 p.m.
LB 122	Friday, January 28, 1983 (Cancelled)	1:30 p.m.
LB 166	Wednesday, January 26, 1983	10:30 a.m.
LB 206	Wednesday, January 26, 1983	10:30 a.m.
LB 191	Thursday, January 27, 1983	1:30 p.m.
LB 96	Friday, January 28, 1983 (Reset)	1:30 p.m.

(Signed) Loran Schmit, Chairperson

ANNOUNCEMENT

Mr. Hoagland announced the Rules Committee elected Mr. Jacobson as Vice Chairperson.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Doyle asked unanimous consent to have his name added as co-introducer to LB 381. No objections. So ordered.

Messrs. Doyle, Abboud, Hoagland, Newell, Hannibal, Wiitala, Mesdames Pirsch, Labedz, and Miss Kilgarin asked unanimous consent to have their names added as co-introducers to LB 331. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 13. Read. Considered.

LR 13 was adopted with 33 ayes, 0 nays, and 16 not voting.

ANNOUNCEMENT

Mr. V. Johnson announced an Executive Board Meeting for the referencing of bills on Wednesday, January 19, 1983, at 11:30 a.m. in Room 2102.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 400. By Higgins, 9th District.

A BILL FOR AN ACT to amend section 71-2021, Reissue Revised Statutes of Nebraska, 1943, relating to various health care facilities; to change provisions relating to licenses; to permit certain nursing homes to obtain one license while providing multiple categories of services; and to repeal the original section.

LEGISLATIVE BILL 401. By Higgins, 9th District.

A BILL FOR AN ACT to amend sections 68-701 and 68-701.01, Reissue Revised Statutes of Nebraska, 1943, relating to public welfare;

to change the name of the Department of Public Welfare; to harmonize provisions; to provide powers and duties for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 402. By Goll, 16th District.

A BILL FOR AN ACT to amend section 48-628, Revised Statutes Supplement, 1982, relating to unemployment benefits; to change provisions relating to institutions of higher education; and to repeal the original section.

LEGISLATIVE BILL 403. By Rupp, 22nd District.

A BILL FOR AN ACT to amend sections 28-430, 28-434, 28-1439, and 81-2004, Reissue Revised Statutes of Nebraska, 1943, relating to analysis of controlled substances; to change the duties of the Department of Health; to provide duties for the Nebraska State Patrol; and to repeal the original sections.

LEGISLATIVE BILL 404. By Cullan, 49th District.

A BILL FOR AN ACT to amend sections 77-2602 and 77-2602.03, Revised Statutes Supplement, 1982, relating to revenue and taxation; to change the cigarette tax rate; to provide for a tobacco product's tax; to define terms; to provide duties; to require licensure; to provide a penalty; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 405. By Cullan, 49th District.

A BILL FOR AN ACT to amend section 24-559, Revised Statutes Supplement, 1982, relating to the recording of probate proceedings; to provide for additional filing requirements when real estate is affected; and to repeal the original section.

LEGISLATIVE BILL 406. By Warner, 25th District.

A BILL FOR AN ACT to amend section 39-623, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to modify provisions relating to passing on the right of a vehicle; and to repeal the original section.

LEGISLATIVE BILL 407. By Warner, 25th District.

A BILL FOR AN ACT relating to specific conveyances; to authorize the Department of Public Institutions to sell certain land to the Department of Roads; and to provide severability.

LEGISLATIVE BILL 408. By Warner, 25th District.

A BILL FOR AN ACT relating to specific conveyances; to authorize the Department of Public Institutions to sell certain land to the Department of Roads; and to provide for severability.

LEGISLATIVE BILL 409. By Warner, 25th District.

A BILL FOR AN ACT relating to the Games and Park Commission; to provide for rewards to persons causing apprehension and conviction of violators of certain game laws.

LEGISLATIVE BILL 410. By Warner, 25th District.

A BILL FOR AN ACT relating to the University of Nebraska; to amend sections 85-122 and 85-130, Reissue Revised Statutes of Nebraska, 1943, and section 77-2602, Revised Statutes Supplement, 1982; to modify provisions relating to the distribution of cigarette tax; to designate funds; to eliminate a restriction on disbursement of funds; to create two funds; to provide powers and duties for the Board of Regents; and to repeal the original sections.

LEGISLATIVE BILL 411. By Warner, 25th District.

A BILL FOR AN ACT to amend section 39-6,179, Revised Statutes Supplement, 1982, relating to rules of the road; to provide for length limitations on certain vehicles; and to repeal the original section.

LEGISLATIVE BILL 412. By Warner, 25th District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-305.03 and 66-410.03, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to a fee as prescribed; to change a provision relating to trip permits as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 413. By Fenger, 45th District.

A BILL FOR AN ACT to amend section 81-197, Reissue Revised Statutes of Nebraska, 1943, and section 81-1,105, Revised Statutes Supplement, 1982, relating to state administrative departments; to postpone the termination of certain boards and review procedures as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 414. By Public Health and Welfare Committee: Fenger, 45th District, Chairperson; R. Peterson, 21st District; Higgins, 9th District; Barrett, 39th District; Rupp, 22nd District; Doyle, 14th District; Wesely, 26th District.

A BILL FOR AN ACT to amend sections 71-604.01 and 71-604.04, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to change provisions relating to infant screening of certain metabolic disorders as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 415. By Public Health and Welfare Committee: Fenger, 45th District, Chairperson; R. Peterson, 21st District; Higgins, 9th District; Barrett, 39th District; Rupp, 22nd District; Doyle, 14th District; Wesely, 26th District.

A BILL FOR AN ACT to amend section 43-904, Reissue Revised Statutes of Nebraska, 1943, relating to infants; to change provisions relating to the placement of dependent and neglected children; and to repeal the original section.

LEGISLATIVE BILL 416. By Public Health and Welfare Committee: Fenger, 45th District, Chairperson; R. Peterson, 21st District; Higgins, 9th District; Barrett, 39th District; Rupp, 22nd District; Doyle, 14th District; Wesely, 26th District.

A BILL FOR AN ACT to amend section 71-2017.02, Reissue Revised Statutes of Nebraska, 1943, relating to public health; to allow certain unlicensed persons to administer medications as prescribed; and to repeal the original section.

LEGISLATIVE BILL 417. By Public Health and Welfare Committee: Fenger, 45th District, Chairperson; R. Peterson, 21st District; Higgins, 9th District; Barrett, 39th District; Rupp, 22nd District; Doyle, 14th District; Wesely, 26th District.

A BILL FOR AN ACT to amend section 43-512.05, Revised Statutes Supplement, 1982, relating to child support; to modify provisions relating to reimbursement for costs; to eliminate a collection service fee; to repeal the original section, and also section 42-358.09, Revised Statutes Supplement, 1982; and to declare an emergency.

LEGISLATIVE BILL 418. By Fenger, 45th District.

A BILL FOR AN ACT to adopt the Ophthalmic Dispensing Act; to harmonize provisions; to amend sections 71-102, 71-110, 71-112, 71-113, 71-116, and 71-122, Reissue Revised Statutes of Nebraska, 1943; to provide a penalty; to provide operative dates; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 419. By Marsh, 29th District.

A BILL FOR AN ACT to amend section 79-444, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change certain initial

entrance requirements as prescribed; and to repeal the original section.

LEGISLATIVE BILL 420. By Clark, 47th District.

A BILL FOR AN ACT relating to liability; to define terms; and to relieve certain people from liability when dealing with hazardous materials as prescribed.

LEGISLATIVE BILL 421. By Beutler, 28th District.

A BILL FOR AN ACT relating to bonds; to amend sections 2-1302, 10-101, 10-118.01, 10-120, 10-503, and 10-613, Reissue Revised Statutes of Nebraska, 1943; to define terms; to authorize the issuance of fully registered bonds; to provide duties; to change provisions relating to the payment of bonds issued by the state; to change provisions relating to the issuance of refunding bonds; to eliminate a restriction on the sale of certain bonds; to provide conditions for the issuance of refunding bonds; to provide for construction of the act; to eliminate provisions relating to redemption of bonds of cities of the first class; to eliminate a registration requirement; to harmonize provisions; to eliminate provisions on the issuance and registration of school district bonds; to repeal conditions on the sale of sewerage bonds and use of interest coupons; to provide severability; to repeal the original sections, and also sections 10-104, 10-116, 10-601 to 10-605, 10-706, 10-708 to 10-710, 16-724, and 17-152, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 422. By Beutler, 28th District.

A BILL FOR AN ACT relating to apportionment; to amend sections 5-105 and 24-503, Revised Statutes Supplement, 1982; to change district and county court judicial districts as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 5-105.01 and 5-105.04, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 423. By Beutler, 28th District.

A BILL FOR AN ACT to amend section 77-2309, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to change provisions relating to deposit of public funds; and to repeal the original section.

LEGISLATIVE BILL 424. By Beutler, 28th District.

A BILL FOR AN ACT to amend sections 48-1002 and 48-1008, Reissue Revised Statutes of Nebraska, 1943, relating to labor; to redefine a term; to change provisions relating to filing of an action; and to repeal

the original sections.

LEGISLATIVE BILL 425. By Beutler, 28th District.

A BILL FOR AN ACT to amend sections 59-801, 59-802, 59-808, 59-815, and 59-825, Reissue Revised Statutes of Nebraska, 1943, relating to monopolies and unlawful combinations; to change penalty provisions; to provide duties for the Attorney General; and to repeal the original sections.

LEGISLATIVE BILL 426. By Beutler, 28th District.

A BILL FOR AN ACT relating to pollution of ground water; to amend sections 2-3267, 81-1502, and 81-1532, Reissue Revised Statutes of Nebraska, 1943, and section 2-1579, Revised Statutes Supplement, 1982; to change provisions relating to the use of certain funds; to define terms; to state intent; to provide duties and powers; to authorize a tax; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 427. By DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 53-168.01 and 53-168.02, Reissue Revised Statutes of Nebraska, 1943, and section 53-168.03, Revised Statutes Supplement, 1982, relating to liquor; to state intent; to change provisions relating to price schedules for liquor; to define terms; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 428. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 24-517, Reissue Revised Statutes of Nebraska, 1943, relating to courts; to change the jurisdiction of county courts; to repeal the original section; and to declare an emergency.

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

LB 16	Tuesday, January 25, 1983	7:00 p.m.
LB 216	Tuesday, January 25, 1983	7:00 p.m.
LB 219	Tuesday, January 25, 1983	7:00 p.m.
LB 222	Tuesday, January 25, 1983	7:00 p.m.

(Signed) Steve Fowler, Chairperson

Business and Labor

LB 185	Wednesday, January 26, 1983	10:00 a.m.

LB 109	Wednesday, January 26, 1983	10:00 a.m.
LB 248	Wednesday, January 26, 1983	1:30 p.m.
LB 249	Wednesday, January 26, 1983	1:30 p.m.

(Signed) Bill Barrett, Chairperson

MOTION - Withdraw LB 148

Mr. Remmers moved to withdraw LB 148.

Laid over.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 429. By Remmers, 1st District; DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 76-1802, 76-1803, and 76-1804, Revised Statutes Supplement, 1982, relating to the Nebraska Development Finance Fund Act; to change legislative findings and declarations; to redefine a term to include hospitals and nursing homes; and to repeal the original sections.

LEGISLATIVE BILL 430. By Newell, 13th District; Vickers, 38th District; Wiitala, 31st District; Fowler, 27th District; Hoagland, 6th District.

A BILL FOR AN ACT relating to communication; to provide for a study to extend public radio service as prescribed.

LEGISLATIVE BILL 431. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 46-666, Revised Statutes Supplement, 1982, relating to ground water; to change provisions relating to the allocation of ground water in control and management areas; and to repeal the original section.

LEGISLATIVE BILL 432. By Newell, 13th District.

A BILL FOR AN ACT to amend section 48-628, Revised Statutes Supplement, 1982, relating to labor; to change provisions relating to disqualification for benefits; and to repeal the original section.

LEGISLATIVE BILL 433. By Wiitala, 31st District; DeCamp, 40th District.

A BILL FOR AN ACT to adopt the Uniform Condominium Act; to amend sections 76-802, 76-804, 76-807, 76-809, 76-811, 76-816, 76-817, 76-819, 76-820, and 76-823, Reissue Revised Statutes of Nebraska, 1943, and section 31-735, Revised Statutes Supplement, 1982; to harmonize provisions relating to condominiums; and to repeal the original sections.

LEGISLATIVE BILL 434. By Labedz, 5th District.

A BILL FOR AN ACT to amend sections 8-101 and 8-157, Reissue Revised Statutes of Nebraska, 1943, relating to building and loan associations; to make certain banking provisions applicable to building and loan associations; and to repeal the original sections.

LEGISLATIVE BILL 435. By DeCamp, 40th District; Fowler, 27th District.

A BILL FOR AN ACT to amend sections 77-907, 77-908, and 77-909, Reissue Revised Statutes of Nebraska, 1943, relating to insurance companies; to define terms; to increase the rate of tax; and to repeal the original sections.

LEGISLATIVE BILL 436. By Wiitala, 31st District.

A BILL FOR AN ACT relating to public health and welfare; to require hospitals to furnish and the Department of Health to publish a list of certain hospital costs as prescribed.

LEGISLATIVE BILL 437. By Wiitala, 31st District.

A BILL FOR AN ACT to amend section 85-902, Reissue Revised Statutes of Nebraska, 1943, relating to postsecondary education; to change membership on the Nebraska Coordinating Commission for Postsecondary Education as prescribed; and to repeal the original section.

LEGISLATIVE BILL 438. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 18-406, Revised Statutes Supplement, 1982, relating to public utilities; to change a provision relating to assessments as prescribed; and to repeal the original section.

LEGISLATIVE BILL 439. By Wesely, 26th District.

A BILL FOR AN ACT to amend section 71-5612, Reissue Revised Statutes of Nebraska, 1943, relating to rural health manpower; to change commission and service termination dates as prescribed; and to repeal the original section.

LEGISLATIVE BILL 440. By Morehead, 30th District.

A BILL FOR AN ACT to amend section 28-612, Reissue Revised Statutes of Nebraska, 1943, relating to crimes and punishments; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 441. By Vickers, 38th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to insanity; to eliminate a defense to criminal conduct; to provide for treatment and commitment as prescribed; to provide duties; to repeal sections 29-2203 and 29-3701 to 29-3706, Revised Statutes Supplement, 1982; and to declare an emergency.

LEGISLATIVE BILL 442. By Landis, 46th District.

A BILL FOR AN ACT to amend section 15-1006, Revised Statutes Supplement, 1982, relating to pensions; to increase benefits for firefighters and police officers; to provide benefits for survivors as prescribed; to repeal a provision relating to social security and pension plans; and to repeal the original section, and also section 15-1010, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 443. By Sieck, 24th District; Von Minden, 17th District; Kahle, 37th District.

A BILL FOR AN ACT to amend section 24-536, Reissue Revised Statutes of Nebraska, 1943, relating to trials; to provide another exception to trial by jury; and to repeal the original section.

LEGISLATIVE BILL 444. By Sieck, 24th District; Remmers, 1st District.

A BILL FOR AN ACT to adopt the Public Education Income Tax Act.

ATTORNEY GENERAL'S OPINION

Opinion No. 7
January 13, 1983

Dear Senator DeCamp:

This letter is in response to your correspondence of January 11, 1983, in which you inquired as to any changes which this office might suggest in connection with the statutes governing bid rigging or similar antitrust violations. We do have several suggestions for possible changes in our state's antitrust laws.

First of all, our state criminal sanctions for antitrust violations which parallel the federal Sherman Antitrust Act and which are contained in the Junkin Act, Neb.Rev.Stat. §59-801, et seq. (Reissue 1978), make violation of the antitrust laws a misdemeanor in Nebraska. Similar violations of the federal laws are a felony under the federal statutes. We suggest that it would not be inappropriate if our criminal sanctions were to track the corresponding federal statutes and if our criminal statutes were to make violation of the antitrust laws a felony.

Second, we suggest a possible change in §59-1608 of the Nebraska Consumer Protection Act, Neb.Rev.Stat. §59-1601 et seq. (Reissue 1978). That particular section allows this office to bring an enforcement action to restrain or prevent violation of the antitrust laws in instances where individual consumers, rather than the state, have been damaged by antitrust violations. Under the terms of §59-1608, the "prevailing party" in such an action may recover the costs of the action including attorney's fees. In some enforcement actions initiated by this office under this section, defendants have argued that they were entitled to attorney's fees under this section should they prevail in the action. This possibility of an award of attorney's fees against the state in instances when we are acting in a good-faith prosecutorial function can seriously affect the enforcement decisions of this office. For example, when we are faced with an ongoing violation which requires immediate action, we may well be forced to delay filing a lawsuit until we have obtained absolutely clear cut evidence. Obviously, such evidence in an antitrust action is often very difficult to obtain. Therefore, we suggest that §59-1608 be amended in such a way that only the state may recover costs and attorney's fees should it prevail in an enforcement action. This is consistent with §59-1609, which allows the state to recover attorney's fees when it is successful in an action for antitrust damages. Alternatively, §59-1608 could be amended in such a way as to allow defendants to obtain attorney's fees against the state upon a showing of bad faith enforcement by the prosecuting entity.

Third, we note that the Consumer Protection Act contains no specific venue provisions for actions by this office under §§59-1608, 59-1609, 59-1614, and 59-1615. In the past we have brought such actions in the county where the defendants were located and where the antitrust violation occurred. In connection with our investigation of collusive bidding activities, some of the possible defendants are out-of-state companies and under the current status of the statutes, it is unclear as to the proper venue for such defendants. We suggest that some form of general venue statute similar to that contained in §59-1610 be added to the Consumer Protection Act so that the state may bring an enforcement action or sue for damages in either the district court of the county in which the alleged violator resides or has his principle place of business, or in the district court of Lancaster County.

Finally, in regard to your question concerning funds or resources for our investigation of collusive bidding, we note that the antitrust

division of this office currently has no full time investigator to conduct antitrust investigations. Appropriate funding for such a full time investigator position would be helpful to us in connection with our investigation of collusive bidding and also in our investigation of other antitrust violations.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

DAC:jmh
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Member Excused

Mr. Carsten asked unanimous consent to be excused at 9:45 a.m. today. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 445. By Eret, 32nd District.

A BILL FOR AN ACT relating to schools; to amend sections 77-3424, 79-487, 79-810, 79-903, and 79-1007, Reissue Revised Statutes of Nebraska, 1943; to allow a tax to be levied for the transportation of school children as prescribed; to exempt such tax from certain limitations; and to repeal the original sections.

LEGISLATIVE BILL 446. By Wiitala, 31st District.

A BILL FOR AN ACT relating to education; to provide intent; to create the Professional Staff Development Fund; to provide application criteria; to provide duties for the State Department of Education; to provide limitations on aspects of funding; and to create an advisory committee.

LEGISLATIVE BILL 447. By Hoagland, 6th District.

A BILL FOR AN ACT relating to civil procedure; to provide rules of procedure for pleadings, motions, orders, and proceedings as prescribed; to amend section 60-420, Reissue Revised Statutes of Nebraska, 1943; to harmonize provisions; to state applicability; to provide an operative date; to provide severability; and to repeal the original section, and also sections 25-331, 25-603, 25-801 to 25-824,

25-832 to 25-837, 25-842 to 25-856, 25-908 to 25-910, and 25-913 to 25-915, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 448. By Hoagland, 6th District.

A BILL FOR AN ACT relating to civil procedure; to provide rules of procedure for pleadings, motions, orders, and proceedings as prescribed; to provide procedure for joinder of parties; to amend sections 25-225, 57-212.01, 60-420, and 77-1301.16, Reissue Revised Statutes of Nebraska, 1943; to harmonize provisions; to state applicability; to provide an operative date; to provide severability; and to repeal the original sections, and also sections 25-301 to 25-331, 25-603, 25-801 to 25-824, 25-832 to 25-837, 25-842 to 25-856, 25-908 to 25-910, and 25-913 to 25-915, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 449. By Landis, 46th District.

A BILL FOR AN ACT to amend section 71-1907, Revised Statutes Supplement, 1982, relating to child care; to permit use of a single seat safety belt for two children as prescribed; and to repeal the original section.

LEGISLATIVE BILL 450. By Fowler, 27th District; Cullan, 49th District; Wiitala, 31st District.

A BILL FOR AN ACT relating to peace officers; to create a County Peace Officers Retirement System as prescribed; to create a fund; to amend sections 33-117, 33-135.01, and 37-603, Revised Statutes Supplement, 1982, and sections 77-1720, 77-2024, 83-337, and 83-424, Reissue Revised Statutes of Nebraska, 1943; to change fees; to change distribution of such fees; to delete mileage provisions; to harmonize provisions; to provide how certain payments are to be treated; and to repeal the original sections.

LEGISLATIVE BILL 451. By Newell, 13th District.

A BILL FOR AN ACT to amend sections 18-1614, 18-1615, 18-1617, and 18-1618, Reissue Revised Statutes of Nebraska, 1943, relating to industrial financing; to redefine a term; to provide financing for the development of blighted areas; to change provisions relating to revenue bonds; and to repeal the original sections.

LEGISLATIVE BILL 452. By Haberman, 44th District; Schmit, 23rd District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 77-2704, Revised Statutes Supplement, 1982, relating to sales and use tax; to provide an exemption for assembly of certain irrigation equipment as prescribed;

and to repeal the original section.

LEGISLATIVE BILL 453. By L. Johnson, 15th District.

A BILL FOR AN ACT to amend section 81-885.21, Reissue Revised Statutes of Nebraska, 1943, relating to the State Real Estate Commission; to change provisions for trust account deposits; and to repeal the original section.

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 302	Tuesday, January 25, 1983	10:00 a.m.
LB 245	Tuesday, January 25, 1983	10:00 a.m.
LB 26	Wednesday, January 26, 1983	10:00 a.m.
LB 156	Wednesday, January 26, 1983	1:30 p.m.
LB 212	Wednesday, January 26, 1983	1:30 p.m.

(Signed) Calvin F. Carsten, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 15.

Introduced by Morehead, 30th District; Labedz, 5th District.

A Resolution to propose an amendment to Article VIII of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII of the Constitution of Nebraska, by adding a new section 13 which is hereby proposed by the Legislature:

"Sec. 13. During the period commencing on January 1, 1985, and ending on December 31, 1987, the state and every political subdivision thereof shall be prohibited from imposing a sales or use tax on the sale or use of food or food products for human consumption. As used in this section, food does not include meals prepared for immediate consumption on or, at the discretion of the Legislature, off the premises of the retailer.".

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 prohibit the imposition of a sales or use tax on the sale or use of food for a prescribed period.
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.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 16.

Introduced by R. Johnson, 34th District.

WHEREAS, Susan Christine Nelson was a resident of the Clay County area, and was an active and highly regarded member of her community; and

WHEREAS, Susan was the loving wife of Michael Nelson and mother of Adam and Libby Nelson; and

WHEREAS, Susan was the devoted daughter of Robert and Jeannine Jasper; and

WHEREAS, Susan departed this life on November 19, 1982 at the age of 26.

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

1. That the members of the Legislature express their sympathy to the family of Susan Christine Nelson.

2. That a copy of this resolution be presented to her family on behalf of the Legislature.

Laid over.

LEGISLATIVE RESOLUTION 17.

Introduced by DeCamp, 40th District.

A Resolution to propose an amendment to Article VIII, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1984 there

shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, of the Constitution of Nebraska, by adding to such Article a new section 13, which is hereby proposed by the Legislature:

"Sec. 13. Beginning January 1, 1985, the maximum amount of ad valorem tax levied on any property for any taxable year shall not exceed one and one half per cent of the actual value of such property as determined by the assessment rolls, except for ad valorem taxes levied for retiring, refunding, or servicing indebtedness approved by the voters according to law. Such limitation may be increased by an affirmative vote of three-fourths of the members of the Legislature, except that any such increased limitation shall not be effective for more than two taxable years after any such vote.".

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 limit the amount of tax levied on property and to authorize increases as prescribed.
For
Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Co-Introducers

Messrs. Chronister, Von Minden, Jacobson, Sieck, H. Peterson, and R. Peterson asked unanimous consent to have their names added as co-introducers to LB 294. No objections. So ordered.

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 39. No objections. So ordered.

EASE

The Legislature was at ease from 10:06 a.m. until 10:24 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 454. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 8-820, Revised Statutes Supplement, 1982, relating to banks and banking; to change provisions relating to interest rates and fees for credit and transaction cards as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 455. By Landis, 46th District.

A BILL FOR AN ACT relating to crimes and punishment; to amend sections 83-170, 83-185, 83-192, 83-1,105, 83-1,121, 83-1,122, 83-1,123, 83-4,122, 83-918, and 83-920, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to establish a commission on sentencing guidelines; to provide standards for sentencing; to provide duties; to provide for presentence investigations by the court; to change provisions relating to limits for terms of sentences; to provide for appeals of sentences; to provide procedures and hearings for paroles; to change provisions relating to revocation of parole; to harmonize provisions; to repeal certain procedures for appealing a sentence; to provide operative dates; to provide severability; and to repeal the original sections, and also sections 29-2261 and 83-1,107 to 83-1,118, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2320 to 29-2325, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 456. By Newell, 13th District.

A BILL FOR AN ACT relating to governmental relations; to establish an advisory commission on intergovernmental relations; to provide for appointment of members; and to provide terms, powers, and duties.

LEGISLATIVE BILL 457. By Wesely, 26th District.

A BILL FOR AN ACT to amend section 79-1522.01, Revised Statutes Supplement, 1982, relating to the school retirement system; to change the annuity formula; and to repeal the original section.

LEGISLATIVE BILL 458. By Hoagland, 6th District.

A BILL FOR AN ACT to amend section 46-603, Reissue Revised Statutes of Nebraska, 1943, and section 46-602, Revised Statutes Supplement, 1982, relating to ground water; to state intent; to define terms; to provide for well construction and other standards as prescribed; to provide powers and duties; to provide a penalty; to harmonize provisions; to authorize the requiring of certain information as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 459. By Newell, 13th District.

A BILL FOR AN ACT to amend section 84-133, Reissue Revised

Statutes of Nebraska, 1943, relating to the Governor; to rename the Policy Research Office as prescribed; to provide duties for the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 460. By Newell, 13th District.

A BILL FOR AN ACT to amend section 23-343.99, Revised Statutes Supplement, 1982, relating to hospital authorities; to change provisions relating to issuance of bonds as prescribed; and to repeal the original section.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Beyer asked unanimous consent to have his name added as co-introducer to LB 331. No objections. So ordered.

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 342. No objections. So ordered.

Mr. R. Johnson asked unanimous consent to have his name added as co-introducer to LB 73. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

LB 85	Tuesday, January 25, 1983	1:30 p.m.
LB 274	Tuesday, January 25, 1983	1:30 p.m.

(Signed) George Fenger, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 461. By R. Johnson, 34th District.

A BILL FOR AN ACT to amend sections 59-1705, 59-1725, 59-1732, 59-1733, 59-1735, 59-1737 to 59-1740, and 59-1750, Revised Statutes Supplement, 1982, relating to seller-assisted marketing plans; to eliminate information sheets and require disclosure documents; to redefine sellers; to change the powers of the Director of Banking and Finance; to repeal the original sections, and also section 59-1734, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 462. By Lamb, 43rd District.

A BILL FOR AN ACT to amend sections 39-6,131.01 and 39-6,131.04, Revised Statutes Supplement, 1982, relating to highways; to provide an

exception to a restriction on the sale of certain tires as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 463. By Doyle, 14th District.

A BILL FOR AN ACT to amend sections 33-109 and 33-112, Reissue Revised Statutes of Nebraska, 1943, relating to register of deeds and county clerks; to change the fees; and to repeal the original sections.

LEGISLATIVE BILL 464. By Goll, 16th District.

A BILL FOR AN ACT relating to civil procedure; to require a bond or deposit for certain appeals by natural resources districts; to restrict jurisdiction as prescribed; to amend section 2-3281, Revised Statutes Supplement, 1982; to harmonize provisions; to repeal the original section; and to declare an emergency.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 303 through 318, 320 through 399, and legislative resolution 14.

LB	Committee
303	Urban Affairs
304	Urban Affairs
305	Public Works
306	Judiciary
307	Judiciary
308	Urban Affairs
309	Public Works
310	Urban Affairs
311	Government, Military and Veterans Affairs
312	Judiciary
313	Nebraska Retirement Systems
314	Public Health and Welfare
315	Government, Military and Veterans Affairs
316	Public Works
317	Revenue
318	Judiciary
320	Judiciary
321	Nebraska Retirement Systems
322	Revenue
323	Public Health and Welfare
324	Banking, Commerce and Insurance
325	Government, Military and Veterans Affairs
326	Public Works
327	Public Works

328 Education
329 Judiciary
330 Judiciary
331 Education
332 Education
333 Education
334 Judiciary
335 Public Works
336 Miscellaneous Subjects
337 Education
338 Government, Military and Veterans Affairs
339 Agriculture and Environment
340 Banking, Commerce and Insurance
341 Education
342 Public Works
343 Banking, Commerce and Insurance
344 Revenue
345 Revenue
346 Revenue
347 Miscellaneous Subjects
348 Public Works
349 Government, Military and Veterans Affairs
350 Public Works
351 Judiciary
352 Government, Military and Veterans Affairs
353 Revenue
354 Appropriations
355 Judiciary
356 Agriculture and Environment
357 Nebraska Retirement Systems
358 Judiciary
359 Urban Affairs
360 Judiciary
361 Judiciary
362 Urban Affairs
363 Revenue
364 Revenue
365 Revenue
366 Public Works
367 Public Health and Welfare
368 Urban Affairs
369 Government, Military and Veterans Affairs
370 Urban Affairs
371 Judiciary
372 Revenue
373 Judiciary
374 Judiciary
375 Public Works

376	Business and Labor
377	Judiciary
378	Public Works
379	Public Works
380	Public Works
381	Public Works
382	Banking, Commerce and Insurance
383	Government, Military and Veterans Affairs
384	Government, Military and Veterans Affairs
385	Education
386	Urban Affairs
387	Education
388	Education
389	Public Health and Welfare
390	Banking, Commerce and Insurance
391	Revenue
392	Judiciary
393	Agriculture and Environment
394	Judiciary
395	Revenue
396	Revenue
397	Public Works
398	Appropriations
399	Judiciary

LR	**Committee**
14	Constitutional Revision and Recreation

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

VISITORS

Visitors to the Chamber were 14 students and teacher from Sacred Heart School, Lincoln; and William Martin.

ADJOURNMENT

At 10:45 a.m., on a motion by Mr. Rupp, the Legislature adjourned until 9:00 a.m., Wednesday, January 19, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

TENTH DAY - JANUARY 19, 1983

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 19, 1983

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Charles L. Wildman, Vine Congregational Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mesdames Higgins and Pirsch who were excused; and Messrs. DeCamp, Haberman, Remmers, Rupp, Wesely, and Mrs. Marsh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Ninth Day was approved.

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1982 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Little Blue	
Dan W. Baird	1,500.00
Crosby, Guenzel, Davis, Kessner & Kuester	5,718.43
Upper Loup	
None	
Lower Platte North	
Attorneys	83,685.88
Attorneys	6,955.04

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Lundy asked unanimous consent to have his name added as co-introducer to LB 421. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 465. By Wagner, 41st District.

A BILL FOR AN ACT to amend sections 79-426.15 and 79-426.23, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change election provisions related to reorganization plans of school districts; to change provisions relating to dissolution of certain districts; and to repeal the original sections.

LEGISLATIVE BILL 466. By Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Rupp, 22nd District; Jacobson, 33rd District; Fowler, 27th District; Carsten, 2nd District.

A BILL FOR AN ACT to amend sections 37-432 and 77-27,132, Reissue Revised Statutes of Nebraska, 1943, relating to game and parks; to provide for the protection of certain species; to create a fund; to provide for contributions from tax refunds as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 467. By Newell, 13th District.

A BILL FOR AN ACT to amend section 79-402, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change certain provisions relating to school district reorganization; and to repeal the original section.

LEGISLATIVE BILL 468. By Appropriations Committee: Warner, 25th District, Chairperson; Marsh, 29th District; L. Johnson, 15th District; Goodrich, 20th District; Kilgarin, 7th District; H. Peterson, 35th District; Morehead, 30th District; Kahle, 37th District.

A BILL FOR AN ACT relating to state investments; to provide that funds managed by the state investment officer pay a share of the expense of administering such investments.

LEGISLATIVE BILL 469. By Performance Review and Audit Committee: Warner, 25th District, Chairperson; Marsh, 29th District; L. Johnson, 15th District; Goodrich, 20th District; Morehead, 30th District; Wagner, 41st District; Kilgarin, 7th District; H. Peterson, 35th District; Kahle, 37th District.

A BILL FOR AN ACT relating to fees; to eliminate a requirement that a percentage of certain fees be deposited for the use of the General Fund; to amend sections 33-151 and 71-1,158, Reissue Revised Statutes of Nebraska, 1943, and section 71-1,162, Revised Statutes Supplement, 1982; to provide an operative date; to repeal the original sections, and also section 33-150, Revised Statutes Supplement, 1982; and to declare an emergency.

LEGISLATIVE BILL 470. By Warner, 25th District; Marsh, 29th District; L. Johnson, 15th District; Goodrich, 20th District; Morehead, 30th District; Wagner, 41st District; Kilgarin, 7th District; H. Peterson, 35th District; Kahle, 37th District.

A BILL FOR AN ACT relating to public health and welfare; to change provisions relating to the Board of Examiners in Dentistry; to require continuing education for dentists; to provide standards and inspections for certain practitioner's facilities; to define a term; to eliminate a payment; to change provisions relating to examinations as prescribed; to eliminate a provision terminating a board; to amend sections 71-122.01, 71-129, 71-185, and 81-197, Reissue Revised Statutes of Nebraska, 1943, and section 71-133, Revised Statutes Supplement, 1982; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 471. By Warner, 25th District; Marsh, 29th District; L. Johnson, 15th District; Goodrich, 20th District; Morehead, 30th District; Wagner, 41st District; Kilgarin, 7th District; H. Peterson, 35th District; Kahle, 37th District.

A BILL FOR AN ACT to amend sections 81-8,158, 81-8,159, 81-8,162, and 81-8,165 to 81-8,183, Reissue Revised Statutes of Nebraska, 1943, relating to collection agencies; to eliminate the Nebraska Collection Agency Board and to transfer the powers and duties of such board to the Secretary of State; to provide an operative date; to repeal the original sections, and also sections 81-8,160, 81-8,161, 81-8,163, and 81-8,164, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 472. By Warner, 25th District; Marsh, 29th District; L. Johnson, 15th District; Goodrich, 20th District; Morehead, 30th District; Wagner, 41st District; Kilgarin, 7th District; H. Peterson, 35th District.

A BILL FOR AN ACT relating to public health and welfare; to provide a statement of purpose for the Board of Nursing; to change provisions relating to examinations; to provide for biennial license renewal; to change provisions relating to licensing and certification; to change certain fees; to eliminate a provision which terminates the Board of Nursing; to amend sections 71-1,132.14, 71-1,132.20, 71-1,132.29,

71-1,132.49, 71-1724, and 81-197, Reissue Revised Statutes of Nebraska, 1943; to repeal the original sections, and also sections 71-1,132.30 to 71-132.34, and 71-1,132.44 to 71-1,132.46, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 473. By Warner, 25th District; Marsh, 29th District; L. Johnson, 15th District; Morehead, 30th District; Wagner, 41st District; Kilgarin, 7th District; H. Peterson, 35th District; Kahle, 37th District.

A BILL FOR AN ACT relating to accountants; to amend sections 1-114 to 1-118, 1-122, 1-125, 1-131, 1-132, 1-136.02, 1-136.04, 1-151, 81-198, 84-301, and 84-304, Reissue Revised Statutes of Nebraska, 1943, and sections 1-107, 1-119, 1-120, 1-124, 1-135, 1-136, and 1-136.01, Revised Statutes Supplement, 1982; to change provisions relating to the Nebraska State Board of Public Accountancy; to change examination and licensing requirements for certain accountants; to provide powers and duties for the board; to change fees; to change provisions relating to the Auditor of Public Accounts as prescribed; to provide for peer review; to provide for severability; to repeal the original sections, and also sections 1-128 and 1-129, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 474. By Warner, 25th District; Morehead, 30th District; Kahle, 37th District; Kilgarin, 7th District; Wagner, 41st District.

A BILL FOR AN ACT to amend sections 81-198, 81-840 to 81-854, 81-8,110, 81-8,186, and 81-8,191, Reissue Revised Statutes of Nebraska, 1943, relating to independent boards and commissions; to create the Bureau of Administrative Support; to change provisions relating to the Board of Examiners for Professional Engineers and Architects; to rename a board; to create the Board of Examiners for Professional Architects; to provide powers and duties as prescribed; to provide for professional development as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 475. By Warner, 25th District; Marsh, 29th District; L. Johnson, 15th District; Goodrich, 20th District; Morehead, 30th District; Wagner, 41st District; Kilgarin, 7th District; H. Peterson, 35th District.

A BILL FOR AN ACT relating to the Abstracters Board of Examiners; to amend sections 76-501, 76-506 to 76-508, 76-510 to 76-515, 76-519, 76-521 to 76-524, 76-526, 76-531 to 76-534, and 81-198, Reissue Revised Statutes of Nebraska, 1943; to provide intent; to define and redefine terms; to create the Abstracters Advisory Board to the Department of Insurance; to provide the Department of Insurance with additional

powers and duties as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections, and also section 76-520, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 476. By Warner, 25th District; Marsh, 29th District; L. Johnson, 15th District; Goodrich, 20th District; Morehead, 30th District; Wagner, 41st District; Kilgarin, 7th District; H. Peterson, 35th District; Kahle, 37th District.

A BILL FOR AN ACT relating to public health and welfare; to change provisions relating to the Board of Examiners in Pharmacy; to change provisions relating to examinations; to provide procedures and requirements for the licensing of certain inactive pharmacists; to provide for professional development of pharmacists; to require inspections of pharmacies; to define a term; to permit hospital pharmacy technicians to perform certain functions; to provide duties for the Department of Health; to eliminate a provision which terminates the Board of Examiners in Pharmacy; to amend sections 71-113, 71-116, 71-130, 71-131, 71-140, 71-1,145, 71-1,147, 71-1,147.08, 71-5402, and 81-197, Reissue Revised Statutes of Nebraska, 1943; to repeal the original sections, and also section 71-1,145.01, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 477. By Warner, 25th District; Marsh, 29th District; L. Johnson, 15th District; Goodrich, 20th District; Morehead, 30th District; Wagner, 41st District; Kilgarin, 7th District; H. Peterson, 35th District; Kahle, 37th District.

A BILL FOR AN ACT to amend sections 81-198, 81-8,186, 81-8,187, 81-8,194, 81-8,195, 81-8,197, and 81-8,199 to 81-8,202, Reissue Revised Statutes of Nebraska, 1943, relating to the State Board of Landscape Architects; to provide intent; to change provisions relating to landscape architects as prescribed; to provide for professional development as prescribed; to change provisions relating to fees; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 478. By Warner, 25th District; Marsh, 29th District; L. Johnson, 15th District; Goodrich, 20th District; Morehead, 30th District; Wagner, 41st District; Kilgarin, 7th District; H. Peterson, 35th District; Kahle, 37th District.

A BILL FOR AN ACT to amend sections 81-198, 81-8,110.01, 81-8,110.08, 81-8,115, 81-8,117, and 81-8,123, Reissue Revised Statutes of Nebraska, 1943, relating to the State Board of Examiners for Land Surveyors; to change provisions relating to land surveyors; to

eliminate certain requirements as prescribed; to provide for professional development as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 479. By Warner, 25th District; Marsh, 29th District; L. Johnson, 15th District; Goodrich, 20th District; Morehead, 30th District; Wagner, 41st District; Kilgarin, 7th District; H. Peterson, 35th District; Kahle, 37th District.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 49-1470, 49-1494, and 81-198, Reissue Revised Statutes of Nebraska, 1943, and sections 49-14,121 and 49-14,123, Revised Statutes Supplement, 1982; to change the powers and duties of the Nebraska Accountability and Disclosure Commission; to change a fee; to change provisions relating to the retention of documents; to provide for creation and distribution of certain forms; to repeal the original sections; and to declare an emergency.

MOTION - Withdraw LB 153

Mrs. Labedz moved to withdraw LB 153.

Laid over.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Barrett asked unanimous consent to have his name added as co-introducer to LB 291. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 480. By Warner, 25th District; Marsh, 29th District; Goodrich, 20th District; Wagner, 41st District; Kahle, 37th District; Kilgarin, 7th District; H. Peterson, 35th District; Morehead, 30th District; L. Johnson, 15th District.

A BILL FOR AN ACT to amend sections 81-198, 81-885.07, 81-885.09 to 81-885.14, 81-885.21, 81-885.30, 81-8,278, 81-8,280, 81-8,282, 81-8,283, and 81-8,285, Reissue Revised Statutes of Nebraska, 1943, relating to the State Real Estate Commission; to provide a statement of purpose; to change powers and duties; to change provisions relating to brokers, salespersons, and appraisers; to change appeal provisions; to provide for certain inactive licenses; to provide for professional development; to repeal the original sections; and to declare an emergency.

MOTION - Withdraw LB 148

Mr. Remmers renewed his pending motion found in the Journal on page 228 to withdraw LB 148.

The motion prevailed with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 16. Read. Considered.

LR 16 was adopted with 35 ayes, 0 nays, and 14 not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Clark asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

MOTION - Suspend Rules

Mr. Goodrich moved to suspend Rule 3 Section 12 so as to cancel the public hearing and withdraw LB 76.

The motion prevailed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and 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 all Lobbyists who have registered as of January 18, 1983. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Brown, Jim L. - Lincoln, Nebraska Health Care Association
Epke, Walter H. - York, Nebraska Livestock Markets Association
Frey, John O. - Lincoln, Lincoln Telecommunications Company
Gregor, Janet R. - Lincoln, Association of Nebraska Community Action Agencies
Hancock, Ann M. - Omaha, The Junior Leagues of Nebraska
Jeffries, Kathleen T. - Omaha, Junior League of Omaha
Kinsinger, Douglas S. - Beatrice, Beatrice Chamber of Commerce, Inc.
Lilley, Roy W. - Alliance, Nebraska Stock Growers Association
Neidig, Bryce P. - Lincoln, Nebraska Farm Bureau Federation

O'Reilly, T. Mark - Denver, CO, Independent Petroleum Association of Mountain States
Parker, David R. - Lincoln, First Savings Company of Norfolk; LRC, Inc.
Robinson, C. N., Jr. - Omaha, Westside Community Schools
Ryan, James E. - Lincoln, Nebraska County Judges Association
Schultz, Ted E. - Lincoln, Nebraska Health Care Association
Shafer, Patricia N. - Omaha, Omaha Education Association
Smith, Robert E. - Broken Bow, Nebraska State Grange
Sutej, John M. - Omaha, Local Union 1974, I.B.E.W.
Tews and Radcliffe:
Radcliffe, Walter H. - Lincoln, Dain Bosworth, Incorporated; Nebraska Realtors Association; Scientific Games, Inc.
Williams, Edward D. - Lincoln, Nebraska Emergency Medical Technician Association
Wilson, Stanley F. - Lincoln, Nebraska New Car & Truck Dealers Association; Nebraska Well Drillers Association

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

LB 116	Thursday, January 27, 1983	10:00 a.m.
LB 213	Thursday, January 27, 1983	1:30 p.m.
LB 92	Friday, January 28, 1983	10:00 a.m.
LB 226	Friday, January 28, 1983	1:30 p.m.
LB 262	Friday, January 28, 1983	1:30 p.m.

(Signed) Elroy M. Hefner, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 481. By Warner, 25th District; Marsh, 29th District; Goodrich, 20th District; L. Johnson, 15th District; Kilgarin, 7th District; H. Peterson, 35th District; Morehead, 30th District,; Kahle, 37th District.

A BILL FOR AN ACT relating to public health and welfare; to change the name of the State Board of Examiners of Psychologists; to change provisions relating to such board; to redefine terms; to state intent; to provide findings; to provide procedures for handling complaints; to provide for defining conflicts of interest; to provide duties for the Director of Health; to provide for biennial license renewal; to change membership on certain examining boards; to change provisions

relating to examinations; to change provisions relating to certain licenses; to harmonize provisions; to change fees; to change provisions relating to clinical psychologists; to eliminate a provision which terminated the State Board of Examiners of Psychologists; to amend sections 71-101, 71-102, 71-109, 71-110, 71-112, 71-113, 71-114, 71-116, 71-122, 71-131, 71-139, 71-139.01, 71-140, 71-149, 71-155, 71-161.09, 71-3801, 71-3802, 71-3806, 71-3807, 71-3808, 71-3810, 71-3811, 71-3813, 71-3814, 71-3817, 71-3818, 71-3819, 71-3825, 71-3827, 71-3828, 71-3829, 71-3832 to 71-3836, and 81-197, Reissue Revised Statutes of Nebraska, 1943, and sections 71-133 and 71-162, Revised Statutes Supplement, 1982; to repeal the original sections, and also sections 71-3803, 71-3804, 71-3805, 71-3809, 71-3812, 71-3816, 71-3820 to 71-3824, and 71-3831, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 482. By Higgins, 9th District.

A BILL FOR AN ACT to amend section 39-671, Reissue Revised Statutes of Nebraska, 1943, relating to highways; to provide for the removal of illegally parked vehicles; and to repeal the original section.

LEGISLATIVE BILL 483. By Newell, 13th District.

A BILL FOR AN ACT relating to the Commission of Industrial Relations; to amend section 84-901, Reissue Revised Statutes of Nebraska, 1943, and section 48-804, Revised Statutes Supplement, 1982; to make the commission subject to certain provisions of law; to provide duties for certain parties; and to repeal the original sections.

LEGISLATIVE BILL 484. By Lamb, 43rd District.

A BILL FOR AN ACT to amend section 77-3424, Reissue Revised Statutes of Nebraska, 1943, relating to political subdivisions budget limitations; to exclude certain anticipated receipts from local tax sources; and to repeal the original section.

LEGISLATIVE BILL 485. By Pirsch, 10th District.

A BILL FOR AN ACT to amend sections 39-6,136 and 39-6,170, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to change provisions relating to windshield, window, and rear view mirror requirements as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 486. By Abboud, 12th District.

A BILL FOR AN ACT to amend sections 71-5805, 71-5829, 71-5830, 71-5832.01, and 71-5836.01, Revised Statutes Supplement, 1982,

relating to public health and welfare; to change the capital expenditure minimum dollar requirements for certificates of need; to harmonize provisions; and to repeal the original sections, and also section 71-5805.01, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 487. By Labedz, 5th District.

A BILL FOR AN ACT to amend sections 20-106 and 20-139, Reissue Revised Statutes of Nebraska, 1943, and sections 20-107, 20-108, 20-109, 20-110, and 20-113, Revised Statutes Supplement, 1982, relating to civil rights; to define terms; to specify an additional basis of discrimination; and to repeal the original sections.

LEGISLATIVE BILL 488. By Newell, 13th District.

A BILL FOR AN ACT to amend sections 79-1056 and 79-1057, Revised Statutes Supplement, 1982, relating to schools; to change retirement benefits as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 489. By Landis, 46th District; V. Johnson, 8th District.

A BILL FOR AN ACT relating to criminal procedure; to create the Nebraska Sentencing Guidelines Commission; to provide powers and duties; and to create a sentencing hearing procedure as prescribed.

LEGISLATIVE BILL 490. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to public health and welfare; to provide intent; to define terms; to provide community action services as prescribed; to create community action agencies; to provide for agency administration; to provide powers and duties; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 491. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to hospitals; to amend section 21-1903, Reissue Revised Statutes of Nebraska, 1943, and section 77-202, Revised Statutes Supplement, 1982; to remove the property tax exemption for hospitals; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 492. By V. Johnson, 8th District.

A BILL FOR AN ACT to amend sections 33-125, 33-126.02, 33-126.04, and 33-126.05, Revised Statutes Supplement, 1982, relating to fees; to change the fees in county court as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 493. By Newell, 13th District.

A BILL FOR AN ACT to amend section 23-151, Revised Statutes Supplement, 1982, relating to county government; to provide for district election of county commissioners as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 494. By Labedz, 5th District.

A BILL FOR AN ACT to amend sections 77-202.03, 77-3510, 77-3511, 77-3514, 77-3523, and 77-3525, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to change exemption provisions relating to certain personal property; to change provisions relating to homestead exemptions; to provide for application forms; to change notice requirements; to disallow exemptions as prescribed; to provide for the transfer of homestead exemptions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 495. By Goll, 16th District; V. Johnson, 8th District.

A BILL FOR AN ACT to amend section 79-426.05, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to the creation of county committees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 496. By V. 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 497. By Wiitala, 31st District.

A BILL FOR AN ACT to amend section 42-121, Reissue Revised Statutes of Nebraska, 1943, relating to premarital examinations; to modify and eliminate provisions relating to such examinations as prescribed; and to repeal the original section, and also sections 42-122, 42-123, 42-125 to 42-128, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 498. By Wagner, 41st District.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend sections 71-2018 and 81-528, Reissue Revised Statutes of Nebraska, 1943, and sections 53-131 and 81-502, Revised Statutes Supplement, 1982; to provide duties; to provide a fee schedule; to allow the Department of Health to request certain inspections; to change provisions relating to inspections; to require uniforms; to permit

inspection of certain liquor licensees; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 499. By Haberman, 44th District.

A BILL FOR AN ACT relating to criminal procedure; to establish an alibi defense as prescribed.

LEGISLATIVE BILL 500. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 83-183, Reissue Revised Statutes of Nebraska, 1943, relating to state institutions; to provide additional authority to the Department of Correctional Services; to allow inmate labor to be used in certain situations; to provide funding for such purposes; and to repeal the original section.

LEGISLATIVE BILL 501. By Schmit, 23rd District; Pappas, 42nd District.

A BILL FOR AN ACT relating to probation and parole; to amend sections 29-2246, 29-2249 to 29-2251, 29-2253, 29-2254, 29-2256 to 29-2258, 29-2270 to 29-2275, 81-1401, 83-1,107, 83-1,107.01, 83-1,109, 83-1,125, and 83-927, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2252 and 29-2259, Revised Statutes Supplement, 1982; to combine the Office of Probation Administration and the Office of Parole Administration; to define terms; to provide qualifications; to provide duties and powers; to harmonize provisions; to provide a restriction on an appropriation; to provide operative dates; and to repeal the original sections, and also sections 83-933 and 83-1,100 to 83-1,104, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 502. By Schmit, 23rd District; Pappas, 42nd District.

A BILL FOR AN ACT relating to agricultural equipment; to define terms; to provide duties for certain equipment manufacturers; and to provide procedures and limitations.

LEGISLATIVE BILL 503. By Schmit, 23rd District.

A BILL FOR AN ACT to create a Railroad Branch Line Improvement Fund; to provide for its administration; to provide for assistance agreements; to eliminate the Agricultural and Industrial Branch Rail Revitalization Act of 1980; and to repeal sections 74-1401 to 74-1429, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 504. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 2-3323, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3634 and 2-4019, Revised Statutes Supplement, 1982, relating to agriculture; to provide for coordination of certain commodity programs as prescribed; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 505. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 2-3311, Reissue Revised Statutes of Nebraska, 1943, and sections 2-2309, 2-3622, and 2-4011, Revised Statutes Supplement, 1982, relating to griculture; to provide powers for certain commodity boards as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 506. By Haberman, 44th District.

A BILL FOR AN ACT to amend section 46-666, Revised Statutes Supplement, 1982, relating to ground water; to change provisions relating to controls adopted by a natural resources district; and to repeal the original section.

LEGISLATIVE BILL 507. By Beutler, 28th District.

A BILL FOR AN ACT to amend section 43-2,119, Revised Statutes Supplement, 1982, relating to infants; to authorize an additional juvenile court judge in certain counties as prescribed; and to repeal the original section.

LEGISLATIVE BILL 508. By Beutler, 28th District.

A BILL FOR AN ACT to amend section 76-1003, Reissue Revised Statutes of Nebraska, 1943, and sections 8-435 and 8-439, Revised Statutes Supplement, 1982, relating to industrial loan and investment companies; to change interest rates and charges on certain loans made by industrial loan and investment companies; to provide additional powers to industrial loan and investment companies; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 509. By Beutler, 28th District.

A BILL FOR AN ACT to amend sections 2-1575, 2-1577, and 2-1578, Reissue Revised Statutes of Nebraska, 1943, and section 2-1579, Revised Statutes Supplement, 1982, relating to natural resources; to provide additional considerations and conditions for the expenditure of certain funds; to repeal the original sections; and also section 2-1580, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1581 and 2-1582, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 510. By Beutler, 28th District.

A BILL FOR AN ACT to amend sections 43-101, 43-102, 43-104, and 43-109, Reissue Revised Statutes of Nebraska, 1943; relating to adoption; to allow the adoption of certain adults; and to repeal the original sections.

LEGISLATIVE BILL 511. By Beutler, 28th District.

A BILL FOR AN ACT to amend section 43-666, Revised Statutes Supplement, 1982, relating to children; to change provisions relating to enforcement and appeal of certain orders; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 1. 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 2. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 1 nay, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 3. 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 44. Mr. Hoagland requested to have LB 44 laid over.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 512. By Beutler, 28th District.

A BILL FOR AN ACT to amend sections 46-657, 46-658, 46-666, 46-673.08, 46-673.13, and 46-674, Revised Statutes Supplement, 1982, relating to ground water; to change provisions relating to control and management areas; and to repeal the original sections.

LEGISLATIVE BILL 513. By Abboud, 12th District.

A BILL FOR AN ACT relating to certain public utilities; to authorize

access to certain documents and records of public utilities by the municipalities they serve; and to provide penalties.

LEGISLATIVE BILL 514. By Cullan, 49th District.

A BILL FOR AN ACT relating to education; to develop an area of excellence program for the state colleges; to provide duties for the Board of Trustees of the Nebraska State Colleges; and to provide funding for research of such purpose.

LEGISLATIVE BILL 515. By Cullan, 49th District.

A BILL FOR AN ACT to amend section 45-101.04, Revised Statutes Supplement, 1982, relating to interest; to change provisions relating to an exception to the general interest rate; and to repeal the original section.

LEGISLATIVE BILL 516. By Doyle, 14th District.

A BILL FOR AN ACT to amend sections 81-198, 81-840 to 81-842, and 81-847 to 81-855, Reissue Revised Statutes of Nebraska, 1943, relating to the Board of Examiners for Professional Engineers and Architects; to extend the existence of the board; to provide for additional membership to the board as prescribed; to change the compensation of board members; to change provisions relating to registration and qualifications of applicants; to change fees; to provide a code of practice; to modify penalties; to change certain business practices of engineers and architects; and to repeal the original sections.

LEGISLATIVE BILL 517. By Fenger, 45th District.

A BILL FOR AN ACT to amend section 81-641, Revised Statutes Supplement, 1982, relating to the Department of Health; to eliminate the cancer registry; to harmonize provisions; to repeal the original section, and also sections 81-642 to 81-650, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 518. By Kahle, 37th District.

A BILL FOR AN ACT to amend sections 32-705, Reissue Revised Statutes of Nebraska, 1943, and section 32-713.01, Revised Statutes Supplement, 1982, relating to elections; to change provisions relating to circulation of petitions; to provide duties for sponsors of petitions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 519. By Fowler, 27th District; Schmit, 23rd District; Goodrich, 20th District.

A BILL FOR AN ACT relating to retirement; to provide for a retirement plan for police officers of first-class cities; to define terms; to provide for creation of a retirement committee; to provide powers and duties; to establish standards and procedures; to provide an exclusion from a budget limitation; and to repeal sections 16-330 to 16-337, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 520. By Cullan, 49th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2769, 77-3510, 77-3512, 77-3513, 77-3514, 77-3516, and 77-3524, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2715 and 77-2715.01, Revised Statutes Supplement, 1982; to eliminate the food sales tax credit; to eliminate certain homestead exemptions; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also section 77-3506, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 521. By Barrett, 39th District.

A BILL FOR AN ACT relating to workmen's compensation; to create the Uninsured Employers Fund; to provide for the source, administration, and expenditure of the fund; and to provide an operative date.

LEGISLATIVE BILL 522. By Kahle, 37th District.

A BILL FOR AN ACT relating to conveyances; to authorize a sale of state land by the Department of Correctional Services; and to declare an emergency.

LEGISLATIVE BILL 523. By V. Johnson, 8th District.

A BILL FOR AN ACT to amend sections 48-1002, 48-1006, 48-1007, and 48-1220, Reissue Revised Statutes of Nebraska, 1943, and section 48-1102, Revised Statutes Supplement, 1982, relating to employment; to prohibit discrimination by the state, governmental agencies, or political subdivisions on the basis of age or sex; to redefine terms; to provide procedure; to define acts of discrimination on the basis of sex; and to repeal the original sections.

LEGISLATIVE BILL 524. By Labedz, 5th District.

A BILL FOR AN ACT to amend section 48-624, Revised Statutes Supplement, 1982, relating to employment security; to change the unemployment benefit table as prescribed; and to repeal the original section.

LEGISLATIVE BILL 525. By Schmit, 23rd District; Kilgarin, 7th District.

A BILL FOR AN ACT relating to youth services; to amend sections 29-2246, 29-2257, 43-105, 43-106.01, 43-503, 43-701, 43-707, 43-901, 43-905, 68-1202, 68-1405, 71-1401, 71-1403, 71-1901, 71-1904, 71-2208, 83-170, 83-171, and 83-926 to 83-930, Reissue Revised Statutes of Nebraska, 1943, section 43-117, Revised Statutes Supplement, 1971, and sections 28-710, 28-711, 28-713, 42-358.09, 43-107, 43-284, 43-285, 43-287, 43-512, 43-515, 43-1301, 43-1303, 48-647, 68-309, 68-703, and 68-717, Revised Statutes Supplement, 1982; to create a Youth Service Commission; to provide for members and employees; to provide legislative intent; to provide powers and duties; to transfer powers, duties, facilities, and staff from certain other state agencies; to provide an operative date; and to repeal the original sections, and also sections 29-2255 and 83-925, Reissue Revised Statutes of Nebraska, 1943, and section 43-1302, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 526. By Nebraska Retirement Systems Committee: Fowler, 27th District, Chairperson; Vickers, 38th District; Schmit, 23rd District; Goodrich, 20th District.

A BILL FOR AN ACT relating to retirement; to require certain cities or villages to create retirement committees; to provide duties; to amend sections 19-3501, 84-1501, and 84-1503, Reissue Revised Statutes of Nebraska, 1943, and sections 15-1001, 16-330, and 35-201, Revised Statutes Supplement, 1982; to harmonize provisions; to increase the number of members and change requirements for membership of the Public Employees Retirement Board; to provide additional duties of the board; to create advisory committees; and to repeal the original sections.

LEGISLATIVE BILL 527. By Appropriations Committee: Warner, 25th District, Chairperson; Morehead, 30th District; Kahle, 37th District; L. Johnson, 15th District; Wagner, 41st District.

A BILL FOR AN ACT relating to schools; to create funds for the Nebraska School for the Visually Handicapped and the Nebraska School for the Deaf; to harmonize provisions; and to repeal sections 79-1910 and 79-2009, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 528. By Warner, 25th District.

A BILL FOR AN ACT relating to water; to provide intent; to provide for a special water master; to provide qualifications; to provide duties; to amend section 33-105, Revised Statutes Supplement, 1982; to impose a fee for interbasin water transfers; and to repeal the original section.

LEGISLATIVE BILL 529. By Warner, 25th District.

A BILL FOR AN ACT to amend section 81-1335, Reissue Revised Statutes of Nebraska, 1943, relating to the personnel system; to provide for an annual percentage increase in salaries as prescribed; and to repeal the original section.

LEGISLATIVE BILL 530. By Warner, 25th District.

A BILL FOR AN ACT to amend sections 66-410, 66-428, and 66-471, Reissue Revised Statutes of Nebraska, 1943, relating to motor fuel taxes; to increase the tax on certain fuels as prescribed; to provide an operative date; to repeal the original sections, and also section 66-472, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 531. By DeCamp, 40th District.

A BILL FOR AN ACT relating to cities of the first class; to establish a retirement system for firefighters as prescribed; to create funds; to authorize a levy; to exclude certain contributions from budget limitation provisions; to provide an operative date; to repeal pension provisions; and to repeal sections 35-201 to 35-216, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 532. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to landlords and tenants; to declare findings; to define terms; to prohibit certain activities of landlords; to provide exemptions; to provide penalties; and to provide for severability.

LEGISLATIVE BILL 533. By Haberman, 44th District.

A BILL FOR AN ACT relating to the veterinarian college; to amend section 85-180.05, Reissue Revised Statutes of Nebraska, 1943, and Laws 1981, LB 245A, section 7; to change provisions relating to required federal funds; to change conditions when the appropriations for the college shall be confirmed; to eliminate a termination date; and to repeal the original sections, and also section 85-180.11, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 534. By Haberman, 44th District.

A BILL FOR AN ACT to adopt the Pseudorabies Control Act; and to provide a penalty.

LEGISLATIVE BILL 535. By Haberman, 44th District.

A BILL FOR AN ACT to amend sections 2-4011, 2-4012, and 2-4016, Revised Statutes Supplement, 1982, relating to agriculture; to modify provisions relating to grain sorghum development; and to repeal the original sections.

LEGISLATIVE BILL 536. By Haberman, 44th District.

A BILL FOR AN ACT to amend sections 54-101, 54-115, 54-133.01, 54-169, and 54-415, Revised Statutes Supplement, 1982, relating to livestock; to define a term; to change provisions relating to brands; to provide for the disposition of certain funds; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 537. By Lamb, 43rd District.

A BILL FOR AN ACT relating to sales; to require reimbursement for returned goods as prescribed.

LEGISLATIVE BILL 538. By Lamb, 43rd District.

A BILL FOR AN ACT to amend section 25-2504, Reissue Revised Statutes of Nebraska, 1943, relating to civil procedure; to provide for notice of agency hearings as prescribed; and to repeal the original section.

LEGISLATIVE BILL 539. By Carsten, 2nd District.

A BILL FOR AN ACT to amend sections 2-4302, 2-4303, 2-4310, 2-4316, 2-4319 to 2-4323, and 2-4325 to 2-4327, Revised Statutes Supplement, 1982, relating to agriculture; to redefine terms; to clarify application; to provide exemptions; to provide duties for certain manufacturers, distributors, and retailers; to modify penalties; and to repeal the original sections.

LEGISLATIVE BILL 540. By Wesely, 26th District.

A BILL FOR AN ACT relating to disabled persons; to amend sections 14-564, 23-321, 23-323, 70-637, and 81-153, Reissue Revised Statutes of Nebraska, 1943, and sections 16-321 and 17-568.01, Revised Statutes Supplement, 1982; to define terms; to allow certain public bodies to negotiate directly with sheltered workshops for products and services; to provide severability; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 541. By Wesely, 26th District.

A BILL FOR AN ACT to amend section 71-173, Reissue Revised Statutes of Nebraska, 1943, relating to the practice of podiatry; to

define a term; to redefine terms; and to repeal the original section.

LEGISLATIVE BILL 542. By Wesely, 26th District.

A BILL FOR AN ACT to amend sections 71-3709 and 71-3710, Reissue Revised Statutes of Nebraska, 1943, relating to sanitarians; to require continuing education for sanitarians as prescribed; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 543. By Wesely, 26th District.

A BILL FOR AN ACT to amend section 48-626, Revised Statutes Supplement, 1982, relating to employment security; to increase maximum benefits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 544. By Doyle, 14th District.

A BILL FOR AN ACT relating to counties; to amend sections 23-1901, 32-308, and 39-1506, Revised Statutes Supplement, 1982; to create the office of county engineer in certain counties; to change provisions relating to county surveyors; to change election provisions; to provide powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 545. By Public Works Committee: Schmit, 23rd District, Chairperson; Lamb, 43rd District; Clark, 47th District; Doyle, 14th District; DeCamp, 40th District; Beutler, 28th District.

A BILL FOR AN ACT to adopt the Water Resources Development Act.

LEGISLATIVE BILL 546. By Fowler, 27th District; Wesely, 26th District.

A BILL FOR AN ACT relating to taxation; to amend sections 77-2703 and 77-2708, Reissue Revised Statutes of Nebraska, 1943; to eliminate reimbursement for collection of certain taxes; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 547. By Public Health and Welfare Committee: Fenger, 45th District, Chairperson; Barrett, 39th District; Doyle, 14th District; R. Peterson, 21st District.

A BILL FOR AN ACT to amend sections 29-2914, 29-2915, 29-2918, 29-2919, and 29-2920, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to change procedures relating to mentally-disordered sex offenders as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 548. By Kilgarin, 7th District.

A BILL FOR AN ACT to amend sections 44-769, 44-779, and 44-781, Revised Statutes Supplement, 1982, relating to insurance; to require certain coverage for alcoholism as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 549. By Kilgarin, 7th District.

A BILL FOR AN ACT relating to certain public officers; to provide for reinstatement of state legislators and certain city or county officers to their former positions of employment after leaving office; and to declare an emergency.

LEGISLATIVE BILL 550. By Kilgarin, 7th District.

A BILL FOR AN ACT relating to certain public officers; to provide for reinstatement of state legislators to their former positions of employment; and to declare an emergency.

LEGISLATIVE BILL 551. By Eret, 32nd District; Wiitala, 31st District.

A BILL FOR AN ACT relating to certain agricultural commodities; to prohibit the sale of certain commodities below minimum prices; to provide powers and duties for the Director of Agriculture; and to provide for fines.

LEGISLATIVE BILL 552. By Fowler, 27th District; Cullan, 49th District.

A BILL FOR AN ACT to amend section 35-212, Revised Statutes Supplement, 1982, relating to firefighters; to provide for a deferred annuity for certain terminated firefighters as prescribed; and to repeal the original section.

MR. GOODRICH PRESIDING

LEGISLATIVE BILL 553. By Chambers, 11th District.

A BILL FOR AN ACT relating to investments; to provide intent; to define terms; and to prohibit certain investments as prescribed.

LEGISLATIVE BILL 554. By DeCamp, 40th District.

A BILL FOR AN ACT relating to pharmaceutical services; to prohibit certain practices; to allow third party prescription programs; to provide for a penalty; and to provide for severability.

LEGISLATIVE BILL 555. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 30-2603, Reissue Revised Statutes of Nebraska, 1943, relating to decedents' estates; to change a limit on delivery of money or property to minors; and to repeal the original section.

LEGISLATIVE BILL 556. By DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 79-1233, 79-1247.06, and 79-1247.07, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to create a teacher competency examination as prescribed; to change provisions relating to certification; to create a pupil competency examination as prescribed; to harmonize provisions; to eliminate tenure; and to repeal the original sections, and also sections 79-12,107 to 79-12,121, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 557. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 25-224, Revised Statutes Supplement, 1982, relating to commencement of actions; to change the statute of limitations for products liability actions as prescribed; to repeal the original section, and also section 25-21,181, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 558. By DeCamp, 40th District.

A BILL FOR AN ACT relating to cable utility systems; to amend sections 18-1803, 70-651.03, 70-651.04, and 70-655, Reissue Revised Statutes of Nebraska, 1943, and section 18-2414, Revised Statutes Supplement, 1982; to provide intent; to allow public power districts, municipalities, and certain municipal agencies to own and operate cable utility systems; to define terms; to provide for financing; to provide for program selection boards; to limit liability and rates as prescribed; to change provisions relating to the gross revenue tax of public power districts; and to repeal the original sections.

LEGISLATIVE BILL 559. By Schmit, 23rd District; DeCamp, 40th District; Beyer, 3rd District; Clark, 47th District.

A BILL FOR AN ACT relating to pipelines; to amend sections 57-1101, 57-1103, 75-501, and 75-502, Reissue Revised Statutes of Nebraska, 1943; to provide for eminent domain for certain pipelines as prescribed; to expand easements for transportation of coal as prescribed; to require a permit when using water as a medium for transportation of certain products; to provide powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 560. By Wesely, 26th District; Hannibal, 4th District; H. Peterson, 35th District; Abboud, 12th District.

A BILL FOR AN ACT relating to revenue and taxation; to define terms; to provide for a tax credit for businesses which create jobs; to provide a penalty; and to provide for severability.

LEGISLATIVE BILL 561. By DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 71-1,133, 71-1,135.02, and 71-1,135.04, Revised Statutes Supplement, 1982, relating to optometry; to change provisions relating to the use of pharmaceutical agents; to eliminate a definition; and to repeal the original sections, and also section 71-1,135.01, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 562. By Schmit, 23rd District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 2-4131, Revised Statutes Supplement, 1982, relating to the Agricultural Development Corporation Act; to eliminate certain requirements relating to obtaining loans as prescribed; and to repeal the original section.

LEGISLATIVE BILL 563. By Schmit, 23rd District; Cullan, 49th District.

A BILL FOR AN ACT relating to civil procedure; to prohibit certain causes of action and awards of damages.

LEGISLATIVE BILL 564. By Executive Board: V. Johnson, 8th District, Chairperson; Warner, 25th District; Labedz, 5th District; Wagner, 41st District; Nichol, 48th District; Beyer, 3rd District; Barrett, 39th District; Carsten, 2nd District; Schmit, 23rd District; Marsh, 29th District.

A BILL FOR AN ACT to repeal section 50-421, Revised Statutes Supplement, 1982, relating to the Nebraska Transportation Advisory Committee.

LEGISLATIVE BILL 565. By Executive Board: V. Johnson, 8th District, Chairperson; Labedz, 5th District; Wagner, 41st District; Nichol, 48th District; Beyer, 3rd District; Barrett, 39th District; Carsten, 2nd District; Schmit, 23rd District; Marsh, 29th District.

A BILL FOR AN ACT to amend section 84-712.05, Reissue Revised Statutes of Nebraska, 1943, relating to public records; to authorize the withholding of certain records as prescribed; and to repeal the original section.

LEGISLATIVE BILL 566. By Schmit, 23rd District.

A BILL FOR AN ACT relating to agriculture; to define terms; to require inspections and certification prior to exportation of certain commodities; and to provide duties.

LEGISLATIVE BILL 567. By Wiitala, 31st District; DeCamp, 40th District; Eret, 32nd District; Fowler, 27th District.

A BILL FOR AN ACT to adopt the Employee Protection and Community Stabilization Act; to create a fund; and to provide a penalty.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 261	Wednesday, January 26, 1983	1:30 p.m.
LB 189	Monday, January 31, 1983	1:30 p.m.
LB 270	Monday, January 31, 1983	1:30 p.m.
LB 277	Monday, January 31, 1983	1:30 p.m.
LB 168	Monday, January 31, 1983	1:30 p.m.
LB 221	Tuesday, February 1, 1983	1:30 p.m.
LB 146	Tuesday, February 1, 1983	1:30 p.m.
LB 283	Tuesday, February 1, 1983	1:30 p.m.
LB 86	Wednesday, February 2, 1983	1:30 p.m.
LB 208	Wednesday, February 2, 1983	1:30 p.m.
LB 233	Wednesday, February 2, 1983	1:30 p.m.

(Signed) Chris Beutler, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 568. By Education Committee: Vickers, 38th District, Chairperson; Fowler, 27th District; Hoagland, 6th District; Eret, 32nd District; Wiitala, 31st District.

A BILL FOR AN ACT relating to vocational education; to provide for programs of vocational education.

LEGISLATIVE BILL 569. By Hoagland, 6th District.

A BILL FOR AN ACT relating to crimes and offenses; to prohibit the

manufacture or distribution of imitation controlled substances as prescribed; to define terms; to provide penalties; to provide exceptions; to provide for forfeitures; to amend sections 28-101, 28-401, 28-416, and 28-431, Revised Statutes Supplement, 1982; to provide for severability; and to repeal the original sections.

LEGISLATIVE BILL 570. By Abboud, 12th District.

A BILL FOR AN ACT relating to taxation; to provide a credit for certain businesses; to provide duties for the Commissioner of Labor; and to define a term.

LEGISLATIVE BILL 571. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to taxation; to amend sections 66-414, 77-2703, and 77-2708, Reissue Revised Statutes of Nebraska, 1943; to change a shrinkage allowance; to change the rate of reimbursement for collection certain taxes; and to repeal the original sections.

LEGISLATIVE BILL 572. By Urban Affairs Committee: Newell, 13th District, Chairperson; Fenger, 45th District; Cullan, 49th District; Remmers, 1st District; Vickers, 38th District.

A BILL FOR AN ACT relating to public docks; to authorize creation of a board of public docks; to define terms; to provide powers and duties; to authorize an exemption from liability; to covenant with the holders of bonds; to state intent; to provide a penalty; to eliminate existing provisions; and to repeal sections 18-701 to 18-716, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 573. By Haberman, 44th District; Pappas, 42nd District; Remmers, 1st District; Chronister, 18th District; R. Peterson, 21st District; Wiitala, 31st District.

A BILL FOR AN ACT relating to livestock; to adopt the Nebraska Bovine Brucellosis Act; to change branding provisions; to amend section 54-132, Reissue Revised Statutes of Nebraska, 1943; to provide penalties; to repeal the original section, and also sections 54-1331 to 54-1347, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 574. By Abboud, 12th District.

A BILL FOR AN ACT relating to utilities; to create the Citizens Utility Board; to provide intent; to define terms; to provide the powers and duties of such board; to provide for the election of board members; to provide duties for utility companies; to provide for the appointment of interim board members; to provide for public inspection of certain records; and to provide penalties.

LEGISLATIVE BILL 575. By Abboud, 12th District.

A BILL FOR AN ACT relating to political contributions; to provide campaign contribution limitations on certain contributors; and to provide a penalty.

RESOLUTIONS

LEGISLATIVE RESOLUTION 18.

Introduced by V. Johnson, 8th District.

A Resolution to propose an amendment to Article III, section 19, and Article XV, section 17, and the repeal of Article XIII, section 3, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 19, and Article XV, section 17, and repeal of Article XIII, section 3, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"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, nor shall the compensation of any public officer, including any officer whose compensation is fixed by the Legislature, be increased or diminished during his or her 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. 17. Notwithstanding ~~section 3 of Article XIII or~~ any other provision in the Constitution:

(1) The Legislature may provide for the investment of any state funds, including retirement or pension funds of state employees and Nebraska school employees in such manner and in such investments as it may by statute provide; and

(2) The Legislature may authorize the investment of retirement or pension funds of cities, villages, school districts, public power districts, and other governmental or political subdivisions in such manner and in such investments as the governing body of such city, village, school district, public power district, and other governmental or political subdivision may determine but subject to such limitations as the Legislature may by statute provide.

That Article XIII, section 3 of the Constitution is repealed.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to remove a provision which restricted the giving or loaning of the credit of the state and to harmonize provisions.

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.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 19.

Introduced by Hefner, 19th District; H. Peterson, 35th District; Von Minden, 17th District.

A Resolution to propose an amendment to Article VIII, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to add a new section to Article VIII, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Section 1C. (1) The Legislature shall designate by statute the fiscal year for the State of Nebraska.

(2) For the purposes of this section, unless the context otherwise requires, the definitions found in subsections (3) to (6) of this section shall apply.

(3) Allowed increment shall mean sixty per cent of the percentage increase or decrease, as the case may be, of the base annual per capita personal income as compared to the prior annual per capita personal income.

(4) Base annual per capita personal income shall mean the annual per capita personal income for the calendar year beginning twenty-one months before the fiscal year begins and ending nine months before the fiscal year begins.

(5) Prior annual per capita personal income shall mean the annual per capita personal income for the calendar year beginning thirty-three months before the fiscal year begins and ending twenty-one months before the fiscal year begins.

(6) Annual per capita personal income shall be as provided in the United States Department of Commerce or equivalent agency official records or reports for the State of Nebraska for the calendar years defined in subsections (4) and (5) of this section.

(7) Revenue collected from any source by the State of Nebraska, whether by taxes, fees, franchises, or any other method, shall be limited to an aggregate amount as provided in subsections (8) and (9) of this section. For purposes of this section, revenue shall not include any funds received from the federal government.

(8) The aggregate revenue to be collected for any fiscal year shall not increase over the amount of all revenue collected for the immediately prior fiscal year by more than five per cent or by the allowed increment whichever is less. If the allowed increment is negative, the aggregate revenue to be collected shall be decreased by at least the amount of the negative allowed increment for that fiscal year. The Legislature may provide that the increase allowed or decrease mandated by this subsection be at least one per cent.

(9) When an act of the Legislature requires that any program or service be funded by the state which was previously required by statute to be funded by a political subdivision of the state, the Legislature may authorize the collection, for the first fiscal year for which the legislative act is effective, of aggregate revenue in excess of that allowed by subsection (8) of this section by an amount equal to no more than the increased expenditure of funds specifically necessary for such program or service.

(10) The limits on aggregate revenue provided in subsections (7) to (10) of this section may be exceeded for a period of one fiscal year only upon a declaration of an emergency made by a four-fifths vote of the Legislature, following a public hearing, and approved by the Governor.

(11) The Legislature shall enact legislation to carry out the provisions of this section.

(12) The limitations imposed by this section shall apply to the first fiscal year commencing after the effective date of this section.".

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 limit the amount of revenue collected by the State of Nebraska.
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.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 20.

Introduced by Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Rupp, 22nd District; Abboud, 12th District; Sieck, 24th District; Jacobson, 33rd District; Carsten, 2nd District.

A Resolution to propose an amendment to Article XV, by adding thereto new section 19, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XV, by adding thereto new section 19, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 19. Unless otherwise specifically designated in the constitution, any person seeking an elected state office or an elected office in any political subdivision within the state must be at least eighteen years of age or a registered voter prior to holding such office, except that if such person must sign a contract or comply with a bonding requirement prior to holding such office, he or she shall have reached the age of majority. The Legislature may provide by law for higher age restrictions for elected state or political subdivision offices.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to establish certain minimum

requirements for candidates seeking any elected state office.
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.

Referred to the Executive Board.

PRESIDENT MCGINLEY PRESIDING

BILLS ON FIRST READING

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

LEGISLATIVE BILL 576. By Schmit, 23rd District.

A BILL FOR AN ACT relating to environment; to amend sections 77-27,149, 81-1505, 81-1506, and 81-1508, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to authorize rules and regulations relating to injection wells; to eliminate provisions relating to preliminary orders and hearings; to provide a penalty; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 577. By Fowler, 27th District; Beutler, 28th District; Landis, 46th District; DeCamp, 40th District; Kilgarin, 7th District; Hoagland, 6th District; Wiitala, 31st District; Labedz, 5th District; Morehead, 30th District; Newell, 13th District; Goodrich, 20th District; V. Johnson, 8th District; Hannibal, 4th District.

A BILL FOR AN ACT to amend section 39-2215, Revised Statutes Supplement, 1982, relating to the Highway Trust Fund; to provide for financing the Nebraska State Patrol's Protection of People and Property Program; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 578. By Fowler, 27th District; Doyle, 14th District.

A BILL FOR AN ACT to amend sections 60-1401.02, 60-1403.01, 60-1404, 60-1406, 60-1407.01, 60-1411, 60-1411.01, 60-1416, 60-1417, 60-2301, 60-2303, and 60-2307, Reissue Revised Statutes of Nebraska, 1943, and sections 60-320, 60-1411.02, and 60-1411.03, Revised Statutes Supplement, 1982, relating to motor vehicles; to change a provision relating to additional dealer plates; to define and redefine terms; to change license restrictions as prescribed; to rename a position; to change a provision relating to license classifications as prescribed; to

change fees; to provide additional illegal practices; to eliminate an advertising prohibition; to change penalties; and to repeal the original sections.

LEGISLATIVE BILL 579. By Haberman, 44th District; Eret, 32nd District; Pappas, 42nd District; Remmers, 1st District; Chronister, 18th District; R. Peterson, 21st District; Wiitala, 31st District.

A BILL FOR AN ACT relating to the Department of Agriculture; to authorize the providing of management services; to provide duties; to create a fund; and to provide for payment of expenses.

LEGISLATIVE BILL 580. By Wiitala, 31st District; Haberman, 44th District; Eret, 32nd District; Pappas, 42nd District; Remmers, 1st District; Chronister, 18th District; R. Peterson, 21st District.

A BILL FOR AN ACT to amend section 89-187, Reissue Revised Statutes of Nebraska, 1943, relating to weights and measures; to provide that fees are to be set by regulation; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 581. By Vickers, 38th District; Barrett, 39th District; Labedz, 5th District; Warner, 25th District.

A BILL FOR AN ACT to amend sections 81-1335 and 81-1339, Reissue Revised Statutes of Nebraska, 1943, relating to the personnel system; to eliminate discriminatory factor in salary surveys; to change provisions relating to the review of the classification and pay plan; and to repeal the original sections.

LEGISLATIVE BILL 582. By Fowler, 27th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 15-845 to 15-848, 77-2301, 77-2305, 77-2307, 77-2312, 77-2318, 77-2326.04, 77-2344, 77-2345, 77-2350, 77-2352, 77-2355, and 77-2362, Reissue Revised Statutes of Nebraska, 1943, relating to the deposit of government funds; to define terms; to change provisions relating to the depositories of funds of governmental subdivisions; and to repeal the original sections.

LEGISLATIVE BILL 583. By R. Peterson, 21st District; Cullan, 49th District.

A BILL FOR AN ACT to amend section 71-5009, Reissue Revised Statutes of Nebraska, 1943, relating to the Community Mental Health Services Act; to restrict state funds for certain mental health programs; and to repeal the original section.

LEGISLATIVE BILL 584. By Education Committee: Vickers, 38th District, Chairperson; Cullan, 49th District; Hoagland, 6th District; Wiitala, 31st District; Eret, 32nd District; Lamb, 43rd District; Goll, 16th District; Fowler, 27th District.

A BILL FOR AN ACT to amend section 79-1239, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to the registration of teacher and administrator certificates as prescribed; and to repeal the original section.

LEGISLATIVE BILL 585. By Education Committee: Vickers, 38th District, Chairperson; Cullan, 49th District; Hoagland, 6th District; Wiitala, 31st District; Eret, 32nd District; Fowler, 27th District.

A BILL FOR AN ACT to adopt the Nebraska Mathematics and Science Teaching Student Assistance Act.

LEGISLATIVE BILL 586. By Schmit, 23rd District; DeCamp, 40th District.

A BILL FOR AN ACT relating to revenue and taxation; to create certain funds; to provide for distribution of funds to political subdivisions; to change provisions relating to homesteads; to change provisions relating to sales and use tax; to define terms; to provide funding and procedures for managing certain natural resources; to provide for loans and grants; to create a board; to direct the Legislature to annually appropriate certain general funds; to provide priorities; to eliminate local sales and use taxes and funding provisions; to amend sections 2-3264, 77-2702, 77-2703, 77-27,132, and 77-3506, Reissue Revised Statutes of Nebraska, 1943, and section 77-2705, Revised Statutes Supplement, 1982; to provide operative dates; to repeal the original sections, and also sections 77-27,139, 77-27,140, 77-27,142 to 77-27,142.05, and 77-27,143 to 77-27,148, Reissue Revised Statutes of Nebraska, 1943, and sections 77-27,136 to 77-27,137.02, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 587. By DeCamp, 40th District; Schmit, 23rd District; Lamb, 43rd District; Kahle, 37th District.

A BILL FOR AN ACT relating to agricultural lands; to eliminate certain corporate reporting requirements; and to repeal sections 76-1501 to 76-1506, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 588. By Hoagland, 6th District; Nichol, 48th District.

A BILL FOR AN ACT relating to criminal offenses; to amend sections 39-6,104.07 and 60-403, Reissue Revised Statutes of Nebraska, 1943,

and sections 28-106, 39-669.07, 39-669.08, 39-6,104.08, and 60-430.01, Revised Statutes Supplement, 1982; to redefine a misdemeanor penalty classification; to change provisions relating to driving while intoxicated as prescribed; to change provisions relating to operators' licenses; to provide for temporary suspension of operators' licenses; to prohibit the presence of certain containers in motor vehicles; to harmonize provisions; to provide a penalty; to repeal the original sections, and also section 39-669.19, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 589. By Hoagland, 6th District.

A BILL FOR AN ACT to amend section 25-1308, Reissue Revised Statutes of Nebraska, 1943, relating to civil procedure; to provide for a judgment to be entered in default as prescribed; and to repeal the original section.

LEGISLATIVE BILL 590. By Chronister, 18th District.

A BILL FOR AN ACT relating to vehicular pursuits; to amend sections 23-2420 and 81-8,235, Reissue Revised Statutes of Nebraska, 1943, and section 25-21,183, Revised Statutes Supplement, 1982; to change conditions of liability; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 591. By Law Enforcement and Justice Advisory Committee: Beutler, 28th District, Chairperson; Von Minden, 17th District; Chronister, 18th District; R. Johnson, 34th District; Abboud, 12th District; Jacobson, 33rd District.

A BILL FOR AN ACT relating to penal and correctional facilities; to define terms; to provide for mandatory disposition of instate detainers; and to declare an emergency.

LEGISLATIVE BILL 592. By Law Enforcement and Justice Advisory Committee: Beutler, 28th District, Chairperson; Von Minden, 17th District; Chronister, 18th District; R. Johnson, 34th District; Abboud, 12th District; Jacobson, 33rd District.

A BILL FOR AN ACT to amend section 83-4,122, Reissue Revised Statutes of Nebraska, 1943, relating to penal and correctional institutions; to change a provision relating to disciplinary action hearings; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 593. By Law Enforcement and Justice Advisory Committee: Beutler, 28th District, Chairperson; Von Minden, 17th District; Chronister, 18th District; R. Johnson, 34th District; Abboud, 12th District; Jacobson, 33rd District.

A BILL FOR AN ACT to amend section 83-1,107.01, Reissue Revised Statutes of Nebraska, 1943, relating to penal and correctional institutions; to change a provision relating to sentence reductions as prescribed; to eliminate a provision relating to the sale of goods by the Department of Correctional Services; to repeal the original section, and also section 83-145, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 594. By Law Enforcement and Justice Advisory Committee: Beutler, 28th District, Chairperson; Von Minden, 17th District; Chronister, 18th District; R. Johnson, 34th District; Abboud, 12th District; Jacobson, 33rd District.

A BILL FOR AN ACT to amend section 83-145, Reissue Revised Statutes of Nebraska, 1943, relating to state institutions; to change a provision relating to the sale of Department of Correctional Services-made goods as prescribed; to allow the sale and service of certain additional products; and to repeal the original section.

LEGISLATIVE BILL 595. By Hoagland, 6th District.

A BILL FOR AN ACT to amend section 46-658, Revised Statutes Supplement, 1982, relating to ground water; to modify procedures for designation of a control area; and to repeal the original section.

LEGISLATIVE BILL 596. By Hoagland, 6th District.

A BILL FOR AN ACT relating to water; to amend sections 2-3243, 46-231, 46-233, 46-237, and 46-240, Reissue Revised Statutes of Nebraska, 1943, and sections 33-105, 46-204, 46-235, and 46-238, Revised Statutes Supplement, 1982; to state intent; to define terms; to authorize designation of protected stream reaches as prescribed; to provide powers and duties for natural resources districts and the Department of Water Resources; to authorize appropriations for instream uses; to provide a fee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 597. By Kilgarin, 7th District; DeCamp, 40th District; Fowler, 27th District; V. Johnson, 8th District; Schmit, 23rd District; Kahle, 37th District; Hefner, 19th District; Carsten, 2nd District; Chambers, 11th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Supplement, 1982; to reinstate the property tax on certain classes of personal property as prescribed; to revive certain statutory provisions; and to repeal the original section, and also Laws 1977, LB 518, sections 14 to 16.

LEGISLATIVE BILL 598. By Schmit, 23rd District.

A BILL FOR AN ACT relating to court employees; to amend section 29-2248, Reissue Revised Statutes of Nebraska, 1943, and section 24-342.02, Revised Statutes Supplement, 1982; to provide duties for the Nebraska District Court Judges Association; to eliminate a duty of the Supreme Court; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 599. By Schmit, 23rd District.

A BILL FOR AN ACT relating to corporations; to adopt the Corporate Takeover Act; to eliminate certain provisions relating to corporate takeovers; to repeal sections 21-2401 to 21-2417, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 600. By Fowler, 27th District.

A BILL FOR AN ACT to amend section 77-2703, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to harmonize provisions; to provide an additional item upon which a sales tax may be imposed; to provide an operative date; to repeal the original section, and also sections 77-3001, 77-3005 to 77-3011, Reissue Revised Statutes of Nebraska, 1943, and sections 77-3002 to 77-3004, Revised Statutes Supplement, 1982; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 21.

Introduced by Hoagland, 6th District.

A Resolution to propose an amendment to Article III, section 7, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 7, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 7. At the general election to be held in November, 1964, one half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years, and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature; PROVIDED, that when the Legislature is redistricted the members elected prior to the redistricting shall continue

in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she 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 or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route ~~once~~ to the state capital for ~~and returning from~~ each day of the 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.".

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 members of the Legislature be paid for traveling expenses to the state capital for each day of the session.

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.

Referred to the Executive Board.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board of the Nebraska Legislature submits the following report on the referral of legislative bills 400 through 526 and legislative resolutions 15 and 17. LB 90 was re-referred to Government, Military and Veterans Affairs, LB 287 was re-referred to Education, and LB 319 was referred to Public Works.

The Reference of Governor's Appointments dated January 11, 1983 has been amended to indicate that Mr. William Metzger was appointed to serve on the Agricultural Products Industrial Utilization Committee, referred to the Committee on Agriculture and Environment.

LB	Committee
90	Government, Military and Veterans Affairs
287	Education
319	Public Works
400	Public Health and Welfare
401	Public Health and Welfare
402	Business and Labor
403	Judiciary
404	Revenue
405	Judiciary
406	Public Works
407	Miscellaneous Subjects
408	Miscellaneous Subjects
409	Constitutional Revision and Recreation
410	Appropriations
411	Public Works
412	Public Works
413	Public Health and Welfare
414	Public Health and Welfare
415	Public Health and Welfare
416	Public Health and Welfare
417	Public Health and Welfare
418	Public Health and Welfare
419	Education
420	Judiciary
421	Revenue
422	Judiciary
423	Revenue
424	Business and Labor
425	Judiciary
426	Agriculture and Environment
427	Miscellaneous Subjects
428	Judiciary
429	Urban Affairs
430	Education
431	Public Works
432	Business and Labor
433	Banking, Commerce and Insurance
434	Banking, Commerce and Insurance
435	Revenue
436	Public Health and Welfare
437	Education
438	Urban Affairs
439	Public Health and Welfare
440	Judiciary
441	Judiciary
442	Nebraska Retirement Systems
443	Judiciary

444	Revenue
445	Education
446	Education
447	Judiciary
448	Judiciary
449	Public Health and Welfare
450	Nebraska Retirement Systems
451	Urban Affairs
452	Revenue
453	Banking, Commerce and Insurance
454	Banking, Commerce and Insurance
455	Judiciary
456	Government, Military and Veterans Affairs
457	Nebraska Retirement Systems
458	Public Works
459	Government, Military and Veterans Affairs
460	Banking, Commerce and Insurance
461	Banking, Commerce and Insurance
462	Public Works
463	Government, Military and Veterans Affairs
464	Judiciary
465	Education
466	Constitutional Revision and Recreation
467	Education
468	Appropriations
469	Appropriations
470	Public Health and Welfare
471	Government, Military, and Veterans Affairs
472	Public Health and Welfare
473	Banking, Commerce and Insurance
474	Government, Military and Veterans Affairs
475	Banking, Commerce and Insurance
476	Public Health and Welfare
477	Government, Military and Veterans Affairs
478	Government, Military and Veterans Affairs
479	Miscellaneous Subjects
480	Banking, Commerce and Insurance
481	Public Health and Welfare
482	Public Works
483	Business and Labor
484	Revenue
485	Public Works
486	Public Health and Welfare
487	Judiciary
488	Nebraska Retirement Systems
489	Judiciary
490	Public Health and Welfare
491	Revenue

492	Judiciary
493	Government, Military and Veterans Affairs
494	Revenue
495	Education
496	Business and Labor
497	Public Health and Welfare
498	Government, Military and Veterans Affairs
499	Judiciary
500	Judiciary
501	Judiciary
502	Banking, Commerce and Insurance
503	Public Works
504	Agriculture and Environment
505	Agriculture and Environment
506	Public Works
507	Judiciary
508	Banking, Commerce and Insurance
509	Agriculture and Environment
510	Judiciary
511	Judiciary
512	Public Works
513	Urban Affairs
514	Education
515	Banking, Commerce and Insurance
516	Government, Military and Veterans Affairs
517	Public Health and Welfare
518	Government, Military and Veterans Affairs
519	Nebraska Retirement Systems
520	Revenue
521	Business and Labor
522	Miscellaneous Subjects
523	Business and Labor
524	Business and Labor
525	Judiciary
526	Nebraska Retirement Systems

LR	**Committee**
15	Constitutional Revision and Recreation
17	Constitutional Revision and Recreation

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

Chairperson
Legislative Council Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 22.

Introduced by V. Johnson, 8th District.

A Resolution to propose an amendment to Article III, sections 7 and 10, and Article IV, sections 1, 2, and 8, and the repeal of Article III, section 9, of the Constitution of Nebraska.

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

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, sections 7 and 10, and Article IV, sections 1, 2, and 8, and the repeal of Article III, section 9, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Article III, Sec. 7. At the general election to be held in November, ~~1964, one half~~ 1986, all 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,~~ except as provided in this section, with the manner of such election to be determined by the Legislature~~; Provided~~, except that when the Legislature is redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. ~~Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed four hundred dollars per month during the term of his office. In addition to his salary, each member shall receive an amount equal to his actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.~~ Elections for members of the Legislature shall also occur when the Governor calls for an election to be held or when two-thirds of the members of the Legislature vote in favor of a no-confidence motion and such election shall be held in a manner prescribed by law not later than sixty days after the election is declared. Each member of the Legislature shall serve until either his or her regular four-year term expires or until his or her successor is elected and qualified pursuant to a special election declared by the Governor or by a no-confidence motion of the Legislature, whichever occurs first.

That Article III, section 9, of the Constitution of Nebraska is repealed.

Article III, Sec. 10. Beginning with the year 1975, regular sessions

of the Legislature shall be held annually, commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. The duration of regular sessions held shall not exceed ninety legislative days in odd-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature, and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature. The regular sessions shall terminate when the Governor calls for an election or two-thirds of the members of the Legislature vote in favor of a no-confidence motion and the Legislature may continue in session after such election is called or voted upon solely in order to provide the manner for such special elections. Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment. The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided. A majority of the members elected to the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, including a Speaker to preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

Article IV, Sec. 1. The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, and the heads of such other executive departments as set forth herein or as may be established by law. The Legislature may provide for the placing of the above named officers as heads over such departments of government as it may by law establish.

The Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of Public Accounts and the Treasurer shall be chosen at the general election held in November, 1974, and in each alternate even-numbered year thereafter, for a term of four years, except as provided in this section, and until their successors shall be elected and qualified. The Governor and Lieutenant Governor shall also be chosen whenever any special election is held by a call of the Governor or by a two-thirds vote of the members of the Legislature in favor of a no-confidence motion. The special election shall be held not later than sixty days after the election is declared. The Governor and Lieutenant Governor shall serve until either their regular four-year term expires or until their successors are elected and qualified pursuant

to a special election declared by the Governor or a no-confidence motion of the Legislature, whichever occurs first. The Legislature shall prescribe the manner of such special elections called by the Governor. In the ~~general election~~ elections one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor nominated by the same party. ~~The Governor shall be ineligible to the office of Governor for four years next after the expiration of two consecutive terms for which he was elected.~~ The records, books, and papers of all executive officers shall be kept at the seat of government, and such officers, excepting the Lieutenant Governor and members of boards and commissions when the board or commission is the head of an executive department, shall reside there during their respective terms of office. Officers in the executive department of the state shall perform such duties as may be provided by law. The heads of all executive departments established by law, other than those to be elected as provided herein, shall be appointed by the Governor, with the consent of a majority of all members elected to the Legislature, but officers so appointed may be removed by the Governor. Subject to the provisions of this Constitution, the heads of the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments.

Article IV, Sec. 2. No person shall be eligible to the office of Governor, or Lieutenant Governor, who shall not have attained the age of ~~thirty~~ twenty-one years, and who shall not have been for five years next preceding his or her 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.~~

Article IV, Sec. 8. The Governor may~~, on extraordinary occasions,~~ convene the Legislature by proclamation. ~~, stating therein the purpose for which they are convened, and the Legislature shall enter upon no business except that for which they were called together.~~".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to provide for special elections to choose members of the Legislature and the Governor and Lieutenant Governor upon the call of the Governor or upon a vote of the Legislature, to eliminate requirements that members of the Legislature be elected in a nonpartisan manner, to eliminate limitations on members of the Legislature receiving salaries and expenses, to eliminate a prohibition on holding more than one state office, to eliminate restrictions on members of the Legislature accepting another state office, to lower the age of eligibility for Governor from thirty to twenty-one years of age, to change provisions for the

convening of special sessions, and to repeal Article III, section 9.

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.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Carsten asked unanimous consent to have his name added as co-introducer to LB 307. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Agriculture and Environment

LB 20	Thursday, January 27, 1983	10:30 a.m.
LB 30	Thursday, January 27, 1983	11:00 a.m.
LB 149	Thursday, January 27, 1983	11:20 a.m.
LB 55	Thursday, January 27, 1983	2:15 p.m.
LB 73	Friday, January 28, 1983	10:30 a.m.
LB 154	Friday, January 28, 1983	11:00 a.m.
LB 53	Thursday, February 3, 1983	1:30 p.m.
LB 127	Thursday, February 3, 1983	1:30 p.m.
LB 19	Friday, February 4, 1983	1:30 p.m.

Governor's Appointments
Thursday, January 27, 1983 - 1:30 p.m.
William Metzger - Gasohol Committee
Leonard Schaeffer - Environmental Control Council

(Signed) Rex Haberman, Chairperson

Urban Affairs

LB 304	Wednesday, January 26, 1983	10:30 a.m.
LB 22	Wednesday, January 26, 1983	1:30 p.m.

LB 52	Wednesday, January 26, 1983	1:30 p.m.
LB 71	Wednesday, January 26, 1983	1:30 p.m.
LB 303	Wednesday, January 26, 1983	1:30 p.m.
LB 131	Wednesday, January 26, 1983	1:30 p.m.

(Signed) Dave Newell, Chairperson

VISITORS

Visitors to the Chamber were 30 students and teacher from Sutton, Nebraska.

ADJOURNMENT

At 12:00 noon, on a motion by Miss Kilgarin, the Legislature adjourned until 10:00 a.m., Monday, January 24, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

ELEVENTH DAY - JANUARY 24, 1983

LEGISLATIVE JOURNAL

ELEVENTH DAY - JANUARY 24, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 24, 1983

Pursuant to adjournment, the Legislature met at 10:00 a.m., President McGinley presiding.

PRAYER

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

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch, Messrs. Abboud, Barrett, Beutler, Chambers, Chronister, Clark, Fowler, Hoagland, Jacobson, R. Johnson, Von Minden, and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Tenth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1. Placed on Select File.
LEGISLATIVE BILL 2. Placed on Select File.
LEGISLATIVE BILL 3. Placed on Select File.

(Signed) Rod Johnson, Chairperson

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

LB 413	Monday, January 31, 1983	1:30 p.m.
LB 367	Monday, January 31, 1983	1:30 p.m.
LB 401	Monday, January 31, 1983	1:30 p.m.
LB 414	Monday, January 31, 1983	1:30 p.m.

LB 439	Tuesday, February 1, 1983	1:30 p.m.
LB 542	Tuesday, February 1, 1983	1:30 p.m.
LB 497	Tuesday, February 1, 1983	1:30 p.m.

(Signed) George Fenger, Chairperson

Education

LB 332	Tuesday, February 1, 1983	1:30 p.m.
LB 203	Tuesday, February 1, 1983	1:30 p.m.
LB 91	Tuesday, February 1, 1983	1:30 p.m.
LB 445	Tuesday, February 1, 1983	1:30 p.m.
LB 45	Wednesday, February 2, 1983	7:00 p.m.
LB 46	Wednesday, February 2, 1983	7:00 p.m.
LB 160	Wednesday, February 2, 1983	7:00 p.m.

(Signed) Tom Vickers, Chairperson

Revenue

LB 421	Monday, January 31, 1983	1:30 p.m.
LB 391	Monday, January 31, 1983	1:30 p.m.
LB 346	Monday, January 31, 1983	1:30 p.m.
LB 25	Monday, January 31, 1983	1:30 p.m.
LB 89	Tuesday, February 1, 1983	1:30 p.m.
LB 102	Tuesday, February 1, 1983	1:30 p.m.
LB 169	Tuesday, February 1, 1983	1:30 p.m.
LB 364	Tuesday, February 1, 1983	1:30 p.m.
LB 27	Wednesday, February 2, 1983	1:30 p.m.
LB 59	Wednesday, February 2, 1983	1:30 p.m.

(Signed) Calvin F. Carsten, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board of the Nebraska Legislature submits the attached report on the referral of legislative bills 527 through 600, inclusive, and legislative Resolutions No. 18, 19, 20, 21, and 22, for the approval of the Nebraska State Legislature. LB 184 was re-referred to Revenue.

LB	Committee
184	Revenue
527	Appropriations
528	Public Works

529 Appropriations
530 Revenue
531 Nebraska Retirement Systems
532 Judiciary
533 Agriculture and Environment
534 Agriculture and Environment
535 Agriculture and Environment
536 Agriculture and Environment
537 Business and Labor
538 Judiciary
539 Agriculture and Environment
540 Urban Affairs
541 Public Health and Welfare
542 Public Health and Welfare
543 Business and Labor
544 Government, Military and Veterans Affairs
545 Public Works
546 Revenue
547 Judiciary
548 Banking, Commerce and Insurance
549 Government, Military and Veterans Affairs
550 Government, Military and Veterans Affairs
551 Agriculture and Environment
552 Nebraska Retirement Systems
553 Banking, Commerce and Insurance
554 Banking, Commerce and Insurance
555 Judiciary
556 Education
557 Banking, Commerce and Insurance
558 Public Works
559 Public Works
560 Revenue
561 Public Health and Welfare
562 Agriculture and Environment
563 Judiciary
564 Miscellaneous Subjects
565 Government, Military and Veterans Affairs
566 Agriculture and Environment
567 Business and Labor
568 Education
569 Judiciary
570 Revenue
571 Revenue
572 Urban Affairs
573 Agriculture and Environment
574 Public Works
575 Miscellaneous Subjects
576 Agriculture and Environment

577	Appropriations
578	Public Works
579	Agriculture and Environment
580	Agriculture and Environment
581	Appropriations
582	Banking, Commerce and Insurance
583	Public Health and Welfare
584	Education
585	Education
586	Revenue
587	Agriculture and Environment
588	Judiciary
589	Judiciary
590	Judiciary
591	Judiciary
592	Judiciary
593	Judiciary
594	Judiciary
595	Public Works
596	Public Works
597	Revenue
598	Judiciary
599	Banking, Commerce and Insurance
600	Revenue

LR	**Committee**
18	Constitutional Revision and Recreation
19	Constitutional Revision and Recreation
20	Constitutional Revision and Recreation
21	Constitutional Revision and Recreation
22	Constitutional Revision and Recreation

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

ATTORNEY GENERAL'S OPINION

Opinion No. 9
January 17, 1983

Dear Senator Wagner:

You have requested an opinion of this office concerning whether an ambiguity exists which might require corrective legislation in regard to vehicle width restrictions on farm equipment dealers hauling or transporting combines. Specifically, you have asked if a farm equipment dealer hauling a combine must be within the fifteen foot

width limit of subsection (5) of Neb.Rev.Stat. §39-6,177, (1982 Supp.), if such dealer is transporting the combine from factory to shop for repair; transporting the combine from factory to shop for sale or lease; delivering the combine to a buyer or lessee from the factory or shop; or delivering the combine after repair. Further, you have asked to whom does the limitations of subsection (5) of section 39-6,177 apply if subsection (6) of section 39-6,177 applies to the above situations.

Neb.Rev.Stat. §39-6,177 (1982 Supp.) provides in pertinent part:

> "No vehicle shall exceed a total outside width, including any load thereon, of eight feet, except that such prohibition shall not apply to . . . (5) combines and vehicles used in transporting combines, and only when transporting combines, to be engaged in harvesting, while being transported into or through the state during daylight hours, when the total width, including the width of the combine being transported does not exceed fifteen feet, except that vehicles used in transporting combines may, when necessary to the harvesting operation, travel unloaded for distances not exceed twenty five miles, while the combine to be transported is engaged in a harvesting operation, (6) farm equipment dealers hauling, driving, delivering, or picking up farm equipment, including portable livestock buildings not exceeding fourteen feet in width, or implements of husbandry during daylight hours, . . ."

We are of the opinion that a farm equipment dealer, transporting a combine under all of the circumstances you have suggested, does so under subsection (6) of section 39-6,177, and accordingly, is exempt from width restrictions during daylight hours. In fact, all movements of farm equipment by farm equipment dealers during daylight hours fall within the terms of subsection (6), that is "hauling", "driving", "delivering", or "picking up" farm equipment. In our opinion, subsection (5) of section 39-6,177 applies to those persons other than equipment dealers and farmers in the normal course of their farming operations, who are transporting combines, the most obvious member of that group of persons being custom combiners who travel through the state during the harvest season.

In conclusion, we find no ambiguity existing in Neb.Rev.Stat. §39-6,177 (1982 Supp.) regarding width restrictions on farm equipment dealers hauling or transporting combines.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) John E. Brown
Assistant Attorney General

JEB:ta
cc: Patrick J. O'Donnell
Clerk of the Legislature

REPORTS

Received audit report from the Auditor of Public Accounts for the following: Department of Labor, Supreme Court, Coordinating Commission for Postsecondary Education, Nebraska Vehicle Industry Licensing Board, Commission on Industrial Relations, Agricultural Activities, Nebraska Department of Aeronautics, Department of Veterans Affairs, Nebraska Policy Research Office, State Board of Public Accountancy, State Board of Agriculture, Secretary of State, Nebraska Technical Community Colleges Areas, District Courts, Board of Barber Examiners, Department of Economic Development, Nebraska Real Estate Commission, Nebraska State Energy Office, Nebraska Library Commission, Department of Administrative Services, Natural Resources Commission, Legislative Council, Investment Council, Wayne State College, Peru State College, Chadron State College, Kearney State College, University of Nebraska.

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 98	Wednesday, February 2, 1983	1:30 p.m.
LB 119	Wednesday, February 2, 1983	1:30 p.m.
LB 120	Wednesday, February 2, 1983	1:30 p.m.
LB 145	Wednesday, February 2, 1983	1:30 p.m.
LB 167	Wednesday, February 2, 1983	1:30 p.m.
LB 152	Thursday, February 3, 1983	1:30 p.m.
LB 231	Thursday, February 3, 1983	1:30 p.m.
LB 246	Thursday, February 3, 1983	1:30 p.m.
LB 247	Thursday, February 3, 1983	1:30 p.m.
LB 204	Friday, February 4, 1983	1:30 p.m.
LB 232	Friday, February 4, 1983	1:30 p.m.
LB 234	Friday, February 4, 1983	1:30 p.m.
LB 305	Friday, February 4, 1983	1:30 p.m.

(Signed) Loran Schmit, Chairperson

Constitutional Revision and Recreation

LB 409	Thursday, February 3, 1983	1:30 p.m.
LB 199	Thursday, February 3, 1983	1:30 p.m.
LB 466	Friday, February 4, 1983	1:30 p.m.
LB 171	Friday, February 4, 1983	1:30 p.m.
LR 12	Friday, February 4, 1983	1:30 p.m.

(Signed) Bernice Labedz, Chairperson

Nebraska Retirement Systems

LB 201	Monday, January 31, 1983	Noon
LB 321	Monday, January 31, 1983	Noon
LB 457	Monday, January 31, 1983	Noon
LB 488	Monday, January 31, 1983	Noon
LB 442	Monday, February 7, 1983	7:00 p.m.
LB 531	Monday, February 7, 1983	7:00 p.m.
LB 552	Monday, February 7, 1983	7:00 p.m.
LB 313	Tuesday, February 8, 1983	7:00 p.m.
LB 210	Tuesday, February 8, 1983	7:00 p.m.
LB 70	Tuesday, February 8, 1983	7:00 p.m.
LB 165	Wednesday, February 2, 1983	Noon
LB 223	Wednesday, February 2, 1983	Noon
LB 526	Wednesday, February 2, 1983	Noon

(Signed) Steve Fowler, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 23.

Introduced by Haberman, 44th District.

WHEREAS, a decision to take bold, aggressive action to chart a new course for agriculture and the economy is essential; and

WHEREAS, section 2554 of the Surplus Agriculture Commodities Disposal Act of 1982 gives the Secretary of Agriculture the authority to contract for the conversion of commodities owned by the Commodities Credit Corporation into liquid fuels and agricultural commodity byproducts; and

WHEREAS, President Reagan in publicly signing the Surplus Agriculture Commodities Disposal Act of 1982 into law while in Omaha in October of 1982 realizes that surplus commodities and their conversion to liquid fuels is in the best interests of the public and the economy; and

WHEREAS, using reserve grain and converting stocks owned by the Commodities Credit Corporation to liquid fuels can only speed the recovery of the United States economy and provide an impetus to the alcohol fuels industry, while helping the federal budget, since there is approximately seventy-six million bushels of Commodity Credit Corporation wheat, corn, and sorghum in Nebraska which could be contracted out for conversion to grain alcohol.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA,

FIRST SESSION:

1. The Legislature of Nebraska requests that the Secretary of Agriculture, John Block, immediately launch a special project to begin working with Nebraska's grain and alcohol leaders and experts as well as state government leaders, to enact a new and creative state-federal project to convert Commodity Credit Corporation grain to liquid fuel.

2. That a copy of this resolution be presented to the Secretary of Agriculture, John Block, and the Nebraska congressional delegation.

Laid over.

MOTION - Withdraw LB 153

Mrs. Labedz renewed her pending motion found in the Journal on page 247 to withdraw LB 153.

The motion prevailed with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Lamb asked unanimous consent to have his name added as co-introducer to LB 533. No objections. So ordered.

VISITORS

Visitors to the Chamber were Don Christenson, Lincoln County Commissioner, Dr. Art Dailey, and Don Claussen from North Platte.

ADJOURNMENT

At 10:13 a.m., on a motion by Mr. Lundy, the Legislature adjourned until 9:00 a.m., Tuesday, January 25, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

TWELFTH DAY - JANUARY 25, 1983

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 25, 1983

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Bob Peterson, Back to the Bible Broadcast, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz who was excused; and Messrs. Chambers, Fowler, Goodrich, and Hoagland who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eleventh Day was approved.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 10
January 20, 1983

Dear Senator H. Peterson:

You have inquired whether any problems could arise because of the differences in the "good time credits" contemplated by the current LB 180 and those enacted by Laws 1982, LB 231 which are presently found at Neb.Rev.Stat. §23-2810 and §23-2811 (1982 Cum. Supp.).

Initially, we call to your attention the fact that we entertain substantial concerns as to the constitutionality of §23-2810 and §23-2811, and that LB 180 suffers, in our opinion, from the same constitutional defects. Section 23-2811 and Secs. 2-4 of LB 180 may well represent areas of legitimate legislative action. However, §23-2810 and Sec. 1 of LB 180 which hinge the availability of good time credits to prisoners upon the population of the county within which the

prisoner is housed, we believe violates the equal protection clauses of both the federal and our state's constitution. This conclusion is based upon the premise that any attempt to provide significantly different benefits to prisoners held in the various counties of this state where the only distinguishing feature is the population of the county in which that prisoner is held, violates the concept of equal protection of the law. We are aware of no rational basis by which one could vary the amount or availability of good time credit to the prisoners of political subdivisions of this state based solely upon the population of the county in which that prisoner is housed.

Specifically, we do not believe that prisoners in less populus counties can appropriately be granted greater amounts of good time credit than prisoners housed in more populus counties. We also note that §23-2811 applies to "any person sentenced to a city or county jail." LB 180 applies, as we understand it, only to persons committed to county jails. Section 23-2811 grants good time to any prisoner sentenced in a city or county facility who does not violate rules of discipline or refuse a work assignment. LB 180 appears to limit the availability of good time to prisoners who have "met the required work evaluation procedures" and desire to participate in the work force program. Also, prisoners in more populus counties, as we understand it, would not have available to them the "work force program" contemplated by LB 180.

Each of the distinctions between LB 180 and §23-2810 and §23-2811 noted above raise significant equal protection questions which in our opinion would render such legislation unconstituional. The simplest and possibly only way to avoid the equal protection problems we have discussed would be to create a uniform good time credit system or work force program applicable to all counties of this state without reference to the population of those counties. As an example, the present equal protection problems that we perceive with regard to §23-2810 and §23-2811 could, in our opinion, be resolved by repealing the provisions of §23-2810 and making the good time credits provided by §23-2811 available uniformly throughout the state.

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

JKB:ekj

cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 12
January 21, 1983

Dear Senator Haberman:

This is in reply to your letter in which you state you are considering introducing legislation pertaining to the responsibilities of county attorneys.

You first ask:

> 1. It is (sic) [Is it] the responsibility of a county attorney to prosecute crimes when such crimes would be a violation of a state statute and a village ordinance.

The duty of the county attorney in this regard is set forth in Neb.Rev.Stat. §23-1201 (Supp. 1982) which provides in part:

> Except as provided in section 29-3602, it shall be the duty of the county attorney, when in possession of sufficient evidence to warrant the belief that a person is guilty and can be convicted of a felony or misdemeanor, to prepare, sign, verify, and file the proper complaint against such person and to appear in the several courts of the county and prosecute the appropriate criminal proceeding on behalf of the state and county.

From the foregoing you can see that the duty to prosecute depends upon whether or not the county attorney is in possession of sufficient evidence to warrant the belief that a person is guilty and can be convicted of a felony or misdemeanor. (Section 29-3602—excepted in the foregoing—relates to pretrial diversion cases.)

In the event someone thought the county attorney was abusing the discretion given him in the above statute, the remedy would be an action for removal from office or removal by recall petition and election.

Neb.Rev.Stat. §23-2001 (Reissue 1977) in regard to removal, provides:

> All county officers may be charged, tried, and removed from office, in the manner hereinafter provided, for (1) habitual or willful neglect of duty, (2) gross partiality, (3) oppression, (4) extortion, (5) corruption, (6) willful maladministration in office, (7) conviction of a felony, or (8) habitual drunkenness.

The Supreme Court of Nebraska in Hiatt v. Tomlinson, 100 Neb. 51, 158 N.W. 363 (1916), construed a similar statute and concluded:

> To wilfully fail, neglect or refuse to enforce a law involves more than oversight or carelessness or voluntary neglect. It must be prompted by some evil intent, or legal malice, or at least be without sufficient grounds to believe that he is performing his duty. This holding is well sustained by authority.

Thus, under this procedure it would be quite difficult to sustain a charge.

The procedure for removal by recall petition and election is set forth in Neb.Rev.Stat. §23-2010 et seq. (Supp. 1982) and does not require any grounds.

Your first question couples together "a state statute and a village ordinance." The criminal code passed by the Legislature in 1977 classifies various crimes into felonies and misdemeanors of different

degrees which apply to that code and any statute passed thereafter by the Legislature. Village ordinances would not fall within the duty of the county attorney to prosecute.

You next ask:

> 2. What is the proper course of action for a county attorney to pursue in a situation in which he has acknowledged a conflict of interest and chooses not to prosecute a criminal act because of such conflict of interest.

Neb.Rev.Stat. §23-1205 (Reissue 1977) provides:

> In the absence, sickness or disability of the county attorney and his deputies, or upon request of the county attorney for good cause, the court may appoint an attorney to act as county attorney in any investigation, appearance, or trial, by an order to be entered upon the minutes of the court, but who shall receive no compensation from the county except as provided for in section 23-1204.01.

In Stewart v. McCauley, 178 Neb. 412, 133 N.W.2d 921 (1965), the Supreme Court of Nebraska in interpreting this section stated:

> Section 23-1205, R.R.S. 1943, gives the district court the authority to appoint an acting county attorney in the absence, sickness, or disability of the county attorney. As early as Gandy v. State, 27 Neb. 707, 43 N.W. 747, the word "disability" was interpreted to cover situations where the county attorney by reason of prior employment disqualified himself to act in the new case. . . . The purpose of sections 23-1205 and 23-1206, R.R.S. 1943, is the protection of the public by making certain that a county attorney's duties shall not be influenced by private interests. See Ress v. Shepherd, 84 Neb. 268, 120 N.W. 1132.

The Supreme Court of Nebraska previously held in the case of Spaulding v. State, 61 Neb. 289, 85 N.W. 80 (1901), that it was proper for the district court, on its own motion, to appoint an acting county attorney to prosecute a case which the county attorney had refused to prosecute. The evidence relied on by the court to support the district judge does not appear in that case.

Under the interpretation of the above statute, the proper course of action, assuming it is a case which should be prosecuted under §23-1201 (Supp. 1982) (the statute first quoted in part under question 1), the county attorney should request the appointment of an acting county attorney or the court, if in possession of suffiecient facts to do so, could appoint one on its own motion.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:ejg
cc: Patrick J. O'Donnell

Clerk of the Legislature

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1982 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Middle Missouri Tribs	
Samuelson & Mills	125.00
Uhlir & Horneber	13,845.37

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 13 and LR 16.

RESOLUTIONS

LEGISLATIVE RESOLUTION 24.

Introduced by Abboud, 12th District; Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Carsten, 2nd District; Chambers, 11th District; Chronister, 18th District; Clark, 47th District; Cullan, 49th District; DeCamp, 40th District; Doyle, 14th District; Eret, 32nd District; Fenger, 45th District; Fowler, 27th District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hannibal, 4th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; Jacobson, 33rd District; L. Johnson, 15th District; R. Johnson, 34th District; V. Johnson, 8th District; Kahle, 37th District; Kilgarin, 7th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Lundy, 36th District; Marsh, 29th District; Morehead, 30th District; Newell, 13th District; Nichol, 48th District; Pappas, 42nd District; H. Peterson, 35th District; R. Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rupp, 22nd District; Schmit, 23rd District; Sieck, 24th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District; Wiitala, 31st District.

WHEREAS, Myron G. A. Rumery moved to Nebraska with his family when he was one year old and was a resident of this state for the rest of his life; and

WHEREAS, Myron Rumery was elected to the Nebraska Unicameral and served as the representative of the 42nd Legislative

District since 1974; and

WHEREAS, Senator Rumery also served as Vice Chairman of the Appropriations Committee; and

WHEREAS, Senator Rumery also served on the Agriculture Committee, Education Committee and Labor Committee; and

WHEREAS, Senator Rumery served the State of Nebraska for thirty years at the University of Nebraska North Platte Experiment Station, twice functioning as acting director and participating in numerous research projects in the field of dairy science; and

WHEREAS, Senator Rumery was active in many community interests, including International Order of Oddfellows, North Platte Rotary Club, Cody Scouts, North Platte Memorial Hospital Board of Directors, Nebraska State Historical Society and North Platte Chamber of Commerce; and

WHEREAS, his personal style and integrity had become a recent part of the tradition of the Legislature; and

WHEREAS, Senator Rumery was called suddenly from his public duties, family, friends and colleagues when he passed from this life on Sunday, November 14, 1982.

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

1. That the members of the Legislature recognize the public service career of Senator Myron Rumery and expresses deepest sympathy to the members of his family.

2. That a copy of this resolution be presented to the Rumery family as a token of his colleagues' sorrow for his passing.

Laid over.

LEGISLATIVE RESOLUTION 25.

Introduced by Hoagland, 6th District.

WHEREAS, Robert J. Kutak, a native of Chicago, was a founder of Nebraska's largest law firm, Kutak, Rock & Huie; and

WHEREAS, Robert Kutak gave of himself by serving on a variety of boards and commissions and in recent years took a leadership role in drafting the proposed new code of ethics for the legal profession; and

WHEREAS, Robert Kutak pursued active interests in art collecting, reading, and politics; and

WHEREAS, Robert Kutak was an innovative, hard-working, enthusiastic man who had the capacity to touch people deeply; and

WHEREAS, Robert Kutak died on Sunday, January 23, 1983, at the young age of 50.

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

1. That the Legislature extends its sympathy to the family of Robert Kutak.

2. That a copy of this resolution be sent to the family of Robert Kutak in Hammond, Indiana and to his partners and associates in his law offices in Omaha, Nebraska; Atlanta, Georgia; Denver, Colorado; and Washington, D.C.

Laid over.

SELECT FILE

LEGISLATIVE BILL 1. Mr. V. Johnson offered the following amendment:

1. On page 1, line 2, strike "1-128, 1-129,".
2. On page 2, line 1, strike "1-128, 1-129,".

The amendment was adopted 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 2. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 3. Advanced to E & R for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 23. Read. Considered.

Mr. Haberman requested a record vote.

Voting in the affirmative, 33 :

Abboud	Beyer	Carsten	Chronister	DeCamp
Doyle	Eret	Fenger	Goll	Haberman
Hannibal	Hefner	Higgins	Johnson, L.	Johnson, R.
Kahle	Kilgarin	Lamb	Landis	Lundy
Marsh	Morehead	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Von Minden
Wagner	Warner	Wiitala		

Voting in the negative, 0.

Present and not voting, 12 :

Barrett	Beutler	Clark	Cullan	Goodrich
Jacobson	Johnson, V.	Newell	Schmit	Sieck
Vickers	Wesely			

Excused and not voting, 4 :

Chambers Fowler Hoagland Labedz

LR 23 was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 58. Placed on General File as amended.
Standing Committee amendments to LB 58:

1. On page 9, line 7, strike "more than" and insert "deposits greater than an amount equal to"; and in line 8 strike "and" and insert "plus".
2. On page 9, line 14, strike "five" and insert "twenty-five"; in line 17 strike "five" and insert "twenty-five"; in line 19 after "company" insert "in Nebraska"; and strike beginning with "at" in line 25 through the underscored period in line 26 and insert "until January 1, 1984. Beginning January 1, 1984, the maximum number of banks located in the State of Nebraska that such a bank holding company may own or control shall be increased by one each year to a maximum number of twelve banks located in the State of Nebraska on December 31, 1986, or thereafter.".
3. On page 10, line 3, after the underscored period insert "Acquisition right or rights provided in this section to any bank holding company, including any out-of-state bank holding company, if not exercised at the time permitted in this section, may be carried forward to one or more subsequent years to be exercised on a cumulative basis.".
4. On page 10, line 5, strike "location" and insert "located".

(Signed) John W. DeCamp, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 339. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Goll asked unanimous consent to print the following amendment to LB 92 in the Journal. No objections. So ordered.

1. Strike the original section and insert the following:

"Section 1. A cemetery owned or operated by the State of Nebraska, including a cemetery chartered under sections 12-101 to 12-105, or by a city, county, or any other political subdivision shall not engage in the business of selling vaults, monuments, markers, or related products for interning or marking human remains, and no director, commissioner, officer, or employee who manages, operates, or otherwise maintains such cemetery on a day-to-day basis, or any of his or her immediate family members, shall engage in the sale of or solicitation to sell such products. Any person violating this section shall be guilty of a Class V misdemeanor. Each sale or solicitation in violation of this section shall be a separate offense.

Nothing in this section shall be construed to limit the selling of vaults, monuments, markers, or related products for interning or marking human remains by cemetery corporations not supported in whole or in part by funds of the State of Nebraska or any city, county, or other political subdivision.".

RESOLUTION

LEGISLATIVE RESOLUTION 26.

Introduced by Clark, 47th District; Wagner, 41st District; Carsten, 2nd District; Hefner, 19th District; Marsh, 29th District; Nichol, 48th District; Schmit, 23rd District.

WHEREAS, Emory P. Burnett meticulously and conscientiously served the Nebraska Unicameral for twenty-six years holding positions as a bill drafter and the Enrollment and Review Attorney; and

WHEREAS, Emory established a reputation for his keen knowledge and recall of the statutes of the State of Nebraska; and

WHEREAS, Emory was entrusted by the Legislature in 1970 with the primary responsibility for the development of a computerized bill drafting system and its successful implementation in 1971; and

WHEREAS, Mr. Burnett lived and guided himself by the words of advice of Polonius to his son, Laertes, "This above all, to thine own self be true and it must follow as night the day, thou canst not then be false to any man."; and

WHEREAS, Emory P. Burnett announced his resignation and retirement before the Nebraska Unicameral on November 13, 1982.

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

1. That Emory be made an honorary member of the Legislature from the 101st Legislative District.

2. That Mr. Burnett be commended for his untiring intellect and be recognized for his numerous contributions to the Nebraska Unicameral and the State of Nebraska.

3. That the Clerk of the Legislature send a copy of this resolution to Emory Burnett.

Laid over.

NOTICE OF COMMITTEE HEARINGS
Appropriations

The Appropriations Committee will be conducting working sessions in Room 1003 of the Capitol Building according to the following schedule:

9:30 a.m. to 12:00 noon and 1:30 p.m. to 5:00 p.m.
Wednesday, January 26, 1983
Thursday, January 27, 1983
Friday, January 28, 1983

1:30 p.m. to 5:00 p.m.
Monday, January 31, 1983
Tuesday, February 1, 1983
Wednesday, February 2, 1983
Thursday, February 3, 1983
Friday, February 4, 1983

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

The Agriculture and Environment Committee asked unanimous consent to add the following co-introducers to LB 19: Agriculture and Environment Committee, Haberman. No objections. So ordered.

The Agriculture and Environment Committee asked unanimous consent to add the following co-introducers to LB 535: Agriculture and Environment Committee, R. Peterson, Chronister, Eret, Pappas, Wiitala. No objections. So ordered.

The Agriculture and Environment Committee asked unanimous consent to add the following co-introducers to LB 536: Agriculture and Environment Committee, R. Peterson, Chronister, Eret, Pappas, Wiitala, Pirsch. No objections. So ordered.

The Agriculture and Environment Committee asked unanimous consent to add the following co-introducers to LB 20: Agriculture and

Environment Committee, R. Peterson, Chronister, Eret, Pappas, Wiitala, Pirsch. No objections. So ordered.

The Agriculture and Environment Committee asked unanimous consent to add the following co-introducers to LB 533: Agriculture and Environment Committee, R. Peterson, Chronister, Eret, Pappas. No objections. So ordered.

The Agriculture and Environment Committee asked unanimous consent to add the following co-introducers to LB 534: Agriculture and Environment Committee, Chronister, Eret, Pappas, Wiitala. No objections. So ordered.

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 562. No objections. So ordered.

ADJOURNMENT

At 9:32 a.m., on a motion by Mr. Chronister, the Legislature adjourned until 9:00 a.m., Wednesday, January 26, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTEENTH DAY - JANUARY 26, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 26, 1983

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Elder Gerald Oehring, Reorganized Church of Latter Day Saints, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler and Hoagland who were excused; and Messrs. Abboud, Chronister, Cullan, Eret, Fowler, Goll, Jacobson, Lamb, Schmit, Vickers, Wesely, Wiitala, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twelfth Day was approved.

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 122	Wednesday, February 9, 1983	1:30 p.m.
LB 236	Wednesday, February 9, 1983	1:30 p.m.
LB 326	Wednesday, February 9, 1983	1:30 p.m.
LB 375	Wednesday, February 9, 1983	1:30 p.m.
LB 397	Wednesday, February 9, 1983	1:30 p.m.
LB 242	Thursday, February 10, 1983	1:30 p.m.
LB 297	Thursday, February 10, 1983	1:30 p.m.
LB 309	Thursday, February 10, 1983	1:30 p.m.
LB 506	Thursday, February 10, 1983	1:30 p.m.
LB 327	Friday, February 11, 1983	1:30 p.m.
LB 335	Friday, February 11, 1983	1:30 p.m.
LB 342	Friday, February 11, 1983	1:30 p.m.

LB 348	Friday, February 11, 1983	1:30 p.m.
LB 350	Friday, February 11, 1983	1:30 p.m.

(Signed) Loran Schmit, Chairperson

Business and Labor

LB 279	Wednesday, February 2, 1983	1:30 p.m.
LB 285	Wednesday, February 2, 1983	1:30 p.m.
LB 432	Wednesday, February 2, 1983	1:30 p.m.
LB 18	Wednesday, February 9, 1983	1:30 p.m.
LB 158	Wednesday, February 9, 1983	1:30 p.m.
LB 217	Wednesday, February 9, 1983	1:30 p.m.
LB 376	Wednesday, February 9, 1983	1:30 p.m.

(Signed) Bill Barrett, Chairperson

Nebraska Retirement Systems

LB 218	Wednesday, February 9, 1983	Noon
LB 220	Thursday, February 17, 1983	7:00 p.m.
LB 450	Thursday, February 17, 1983	7:00 p.m.
LB 237	Thursday, February 24, 1983	7:00 p.m.
LB 357	Thursday, February 24, 1983	7:00 p.m.
LB 519	Thursday, February 24, 1983	7:00 p.m.

(Signed) Steve Fowler, Chairperson

Government, Military and Veterans Affairs

LB 148	Thursday, February 3, 1983 (Cancelled)	1:30 p.m.
LB 493	Thursday, February 3, 1983	1:30 p.m.
LB 90	Thursday, February 3, 1983	1:30 p.m.
LB 315	Friday, February 4, 1983	1:30 p.m.
LB 325	Friday, February 4, 1983	1:30 p.m.
LB 383	Friday, February 4, 1983	1:30 p.m.
LB 180	Thursday, February 10, 1983	1:30 p.m.
LB 311	Thursday, February 10, 1983	1:30 p.m.
LB 565	Thursday, February 10, 1983	1:30 p.m.
LB 338	Friday, February 11, 1983	1:30 p.m.
LB 349	Friday, February 11, 1983	1:30 p.m.

LB 352	Friday, February 11, 1983	1:30 p.m.
LB 369	Thursday, February 17, 1983	1:30 p.m.
LB 384	Thursday, February 17, 1983	1:30 p.m.
LB 456	Thursday, February 17, 1983	1:30 p.m.
LB 459	Thursday, February 24, 1983	1:30 p.m.
LB 463	Thursday, February 24, 1983	1:30 p.m.
LB 498	Thursday, February 24, 1983	1:30 p.m.

(Signed) David Landis, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 1, 2, and 3.

(Signed) Rod Johnson, Chairperson

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

LB 56	Thursday, February 3, 1983	1:30 p.m.
LB 133	Thursday, February 3, 1983	1:30 p.m.
LB 251	Friday, February 4, 1983	1:30 p.m.

(Signed) Elroy Hefner, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 23.

RESOLUTIONS

LEGISLATIVE RESOLUTION 25. Read. Considered.

LR 25 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 26. Read. Considered.

LR 26 was adopted with 27 ayes, 0 nays, and 22 not voting.

MOTION - Suspend Rules

Mr. Clark moved to suspend the rules, Rule 4, Section 6, to permit the consideration of LR 27 today.

The motion prevailed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 27.

Introduced by members of the Eighty-eighth Legislature, First Session.

WHEREAS, Richard D. Marvel was born in Hastings, Nebraska, on December 8, 1917, and has lived in the State of Nebraska for his entire life; and

WHEREAS, Richard D. Marvel was elected State Commander of the American Legion; and

WHEREAS, in 1950, Senator Marvel was elected to the Nebraska Unicameral Legislature, representing the 33rd Legislative District; and

WHEREAS, he was elected on ten different occasions to represent the 33rd Legislative District, resulting in his representing and serving his constituents for twenty-eight years; and

WHEREAS, he received his Doctoral Degree from the University of Nebraska in Lincoln in 1966 and was subsequently named Chairman of the Political Science Department of Nebraska Wesleyan University in 1970; and

WHEREAS, Senator Richard D. Marvel was the founder of the prestigious Taft Institute of Political Science which brings national and international leaders to Nebraska to educate our citizens; and

WHEREAS, for fifteen years, Richard D. Marvel was the architect of the state's budget, having served as Chairman of the powerful Appropriations Committee longer than any Senator in the history of the State of Nebraska; and

WHEREAS, in 1977, upon his election as Chairman of the Executive Board of the Legislative Council, the operations of the Legislature were significantly improved; and

WHEREAS, in 1979, Richard Marvel was elected Speaker of the Legislature and was subsequently, by unanimous vote, re-elected to the position in 1981; thus becoming the only State Legislator in the history of the State of Nebraska to be twice elected to the Speakership of the Legislature; and

WHEREAS, Oline Marvel has been a dedicated helpmate to Senator Marvel, and has, in her own right, carved for herself a rewarding career in the field of Library Science; and

WHEREAS, Richard D. Marvel retired from the Legislature on November 29, 1982.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA,

FIRST SESSION:

1. That they acknowledge the dedication and effort shown by Senator Richard D. Marvel in serving the interests of the constituents of the 33rd Legislative District, as well as all Nebraskans.

2. That the Legislature acknowledges Dick Marvel for his leadership abilities which include his openness, responsiveness and fair treatment of other legislators, staff and constituents.

3. That the Legislature recognizes that Dick Marvel brought a new meaning to the title of "Mr. Speaker" thru his statesmanship which has left a lasting impression on this State and its lawmakers.

4. That the Legislature hereby commends and honors Richard D. Marvel for his untiring service to the Legislature and the State of Nebraska and wishes him well in retirement.

5. That a copy of this Resolution be presented to Richard and Oline Marvel.

LR 27 was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Urban Affairs

LB 135	Wednesday, February 2, 1983	1:30 p.m.
LB 150	Wednesday, February 2, 1983	1:30 p.m.
LB 125	Wednesday, February 2, 1983	1:30 p.m.
LB 291	Wednesday, February 2, 1983	1:30 p.m.

(Signed) Dave Newell, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 27.

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. Carsten asked unanimous consent to have his name withdrawn as co-introducer to LB 307. No objections. So ordered.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Carsten asked unanimous consent to have his name added as co-introducer to LB 305. No objections. So ordered.

ADJOURNMENT

At 9:27 a.m., on a motion by Mrs. Higgins, the Legislature adjourned until 9:00 a.m., Thursday, January 27, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTEENTH DAY - JANUARY 27, 1983

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 27, 1983

Pursuant to adjournment, the Legislature met at 9:00 a.m.,President McGinley presiding.

PRAYER

The prayer was offered by Rev. LaRoy Seaver, Director of Ministries, Nebraska Annual Conference United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Fowler, V. Johnson, Newell, Rupp, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirteenth Day was approved.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 13
January 25, 1983

Dear Senator Kilgarin:

This is in response to your letter of January 20, 1983, wherein you state that you have submitted legislation in the form of LB 15 to amend Neb.Rev.Stat. §70-619 (Cum.Supp. 1982). In your letter you ask whether certain provisions presently contained in §70-619, and which LB 15 would amend, are constitutional. To be specific, the portion of §70-619 which concerned you is that part which states: " . . . No person who acquires any interest in any pension plan, retirement plan, or similar plan or contract of any district shall be eligible to hold office as a member of the board of directors. . . ." Your stated concern is that a certain segment of the population may be deprived of their "full

electoral rights" as a result of the quoted provision.

Article I, Section 22, of the Nebraska Constitution provides that "all elections shall be free; and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise."

Other than the general language contained in Article I, Section 22, there is apparently no Nebraska Constitutional provision expressly limiting or expanding the "elective franchise of Nebraska voters, and defining qualifications for public office.

As the court stated in State ex rel. Quinn v. Marsh, 141 Neb. 436, 3 N.W.2d 892 (1942), citing Mechem Public Officers, page 22, section 66, " 'Where . . . the Constitution does not prescribe the qualifications (for public office), it is the province and right of the legislature to declare upon what terms and subject to what conditions the right shall be conferred.' " Ibid., page 442. Consequently, there can be little doubt that the Nebraska Legislature could impose statutory conditions which a person would have to meet in order to become an elected director of a public power and irrigation district.

The question therefore becomes whether the legislative restrictions which might be imposed upon such directors are unreasonable; and the question of reasonableness is generally regarded as a proper subject of judicial review, which may include inquiry into such matter as the duties of the body to which the candidate seeks election. Id. p. 446-447.

An examination of the powers and duties of public power district directors indicates that, among other duties, a director is required to ". . . impartially . . . perform the duties of his office." Neb.Rev.Stat. §70-616 (Reissue 1981). The requirement of impartiality would apply to all funds expended by the directors, as well as to contracts which might be entered into by the directors on behalf of the district. Neb.Rev.Stat. §70-619, 70-642.02, 70-643 (Reissue 1981). In fact, it would appear that the language you seek to amend in §70-619 is directed toward the preservation of impartiality as required by §70-616, by providing that "no person who acquires any interest in any pension plan, retirement plan, or similar plan or contract of any district shall be eligible to hold office as a member of the board of directors."

Insofar as §70-619 would prohibit a director from having an interest in an item about which the director must decide, and given the requirement of §70-616 that a director act impartially in making board decisions, it is likely that the restrictions imposed by §70-619 would be regarded by a court as a reasonable exercise of the legislative power, and therefore constitutional.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Frank J. Hutfless
Assistant Attorney General

FJH:kkh

cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 14
January 25, 1983

Dear Senator Warner:

You have asked our opinion as to the constitutional validity of section 5 of LB 26. We have reservations about the validity of the amendment to be effected by that section, as it appears to involve unreasonable class legislation.

LB 26 amends Neb.Rev.Stat. §§77-1343, 77-1345, 77-1347, and 77-1348 (Reissue 1981), which are portions of the so-called "greenbelt law" providing for special assessment of certain lands used for agricultural purposes. In general, it provides that land in an agricultural use zone and used exclusively for agricultural purposes, shall, upon application, be assessed at its value for agricultural use and not at the value it would have if devoted to other than agricultural uses.

Sections 1 through 4 of the bill would further define what is meant by "agricultural use" and "agricultural use zone," so that, presumably, some property which had previously qualified for the special assessment would no longer do so, and would, after the effective date of the act, be assessed at its actual value for other than agricultural uses.

Section 77-1348 now provides that when land that has received the special assessment becomes disqualified for such assessment, the amount the taxes on the land would have been increased during the last five years, but for the special assessment, shall be added back to the taxes due on the land, together with interest at the rate of six percent from the dates such additional taxes would have been payable if no special assessment had been in effect.

Section 5 of LB 26 amends §77-1348 to provide that where land which has been receiving the special assessment becomes disqualified on the effective date of the act solely because of the amendment of §§77-1343, 77-1344, and 77-1347 by LB 26, the additional taxes which would have been payable shall not be collected. This, in our opinion, raises serious classification problems.

Section 77-1347, as amended by LB 26, specifies the situations under which land receiving the special assessment shall become disqualified. They include notification by the taxpayer to the assessor to remove the special assessment, sale to a new owner who does not make a new application within sixty days, transfer by reason of death to a new owner who does not make a new application within 120 days, sale or transfer to an ownership making the land exempt from ad valorem taxation, the occurrence of an event which would prevent the application of the special assessment, or the land not being in an

agricultural use zone.

Now let us consider two pieces of real estate, across the road from each other, both of which have been receiving the special assessment for more than five years. A zoning boundary runs down the middle of the road, and tract A is in a zoning area which qualified it for the special assessment under the old law, but not under the law as amended by LB 26. Tract B is in a zoning area which qualified for such special assessment under the old law, and also under LB 26.

Now let us assume that one week after the effective date of LB 26 both tracts of land are sold, and are devoted to residential, industrial, or commercial purposes. As to tract B, the assessor clearly has the duty to go back five years, calculate the additional taxes which would have been due, and add such additional taxes, plus interest, to the taxes due on such land.

As to tract A, however, it became disqualified because of the operation of LB 26, not because of the sale or change of use. Therefore, under section 5 of LB 26, there would be no recovery of the additional taxes. This constitutes putting the owners of tract A in a different class from the owners of tract B, with tract A being in the more favorable position. We are unable to discern any logical justification for such a result.

Article III, Section 18, of the Nebraska Constitution forbids unreasonable class legislation. Our court has again and again said that a legislative classification, in order to be valid, must be based upon some reason of public policy, some substantial difference of situation or circumstances, that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified. See, e.g., City of Scottsbluff v. Tiemann, 185 Neb. 256, 175 N.W.2d 74 (1970), and State ex rel. Douglas v. Marsh, 207 Neb. 598, 300 N.W.2d 181 (1980).

Here we have one class, composed of tracts of land qualifying for the special assessment under the law in effect before the effective date of LB 26. Both tract A and tract B are in that class. Their utilization of that treatment carries with it the obligation to pay the tax saved during the five years preceding the termination of such special treatment, with interest, at the time of such termination. Now, suddenly, LB 26 would relieve the tract which was least qualified for such special treatment in the first place from the obligation to repay such additional taxes, while leaving the other tract saddled with the obligation. We fail to see the logic or justice of it.

Perhaps we could defend a provision that the passage of LB 26 would not, by itself, trigger an obligation to repay the additional taxes, so long as the actual use or ownership of the land had not changed. We might argue that in that situation, where the status of the land was changed solely by legislative action, it was not unreasonable to not require the immediate payment of the taxes saved during the preceding five years.

Where, however, after the effective date of LB 26 some event

takes place, such as a change in the use of the property, which would require the payment of taxes saved during the preceding five years on property still receiving the special treatment, that event must also require the payment of taxes saved during the preceding five years on property disqualified by LB 26.

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

RHG:ejg

cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 15
January 26, 1983

Dear Senator Landis:

You have asked our opinion as to the constitutional validity of a proposed bill that would provide for a five percent discount on real estate taxes if paid on or before April 1 in counties having a population of more than 100,000 and less than 200,000, or on or before May 1 in all other counties. The April 1 and May 1 dates are apparently taken from Neb.Rev.Stat. §77-204 (Reissue 1981), and are intended to represent the first delinquent dates for real estate taxes. We note, however, that the proposed bill apparently overlooks the fact that the delinquency dates for real estate taxes in counties having a population of more 200,000 is also April 1.

In our opinion the proposed bill would violate Article VIII, Section 4, of the Nebraska Constitution, which provides, with the exceptions not relevant here, that the Legislature shall have no power to release or discharge any county, city, township, town, or district whatever, or the inhabitants thereof, from their proportionate share of taxes due any municipal corporation, "nor shall commutation of such taxes be authorized in any form whatever."

The case of Steinacher v. Swanson, 131 Neb. 439, 268 N.W. 317 (1936), contains a discussion of the word "commutation," as used in Article VIII, Section 4, and this language:

> From an examination of the definitions of the word "commutation" hereinbefore set out, and the use of the words "in any form whatever," contained in our constitutional provision, it is quite apparent that the legislature is prohibited by the Constitution from changing the method of payment of any tax once levied.

Clearly, under this constitutional provision, the legislature cannot reduce the amount of the tax, extend the time of payment, or in any manner change the method of payment.

The proposed bill would reduce the amount of the tax, and so would, in our opinion, come squarely within the language of the above case. We therefore do not believe such a provision could be successfully defended against constitutional attack.

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

RHG:ejg

cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Lundy asked unanimous consent to have his name added as co-introducer to LB 71. No objections. So ordered.

Mr. Warner asked unanimous consent to have his name added as co-introducer to LR 25. No objections. So ordered.

Mr. Goodrich asked unanimous consent to have his name added as co-introducer to LB 599. No objections. So ordered.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the re-referrals of the following:

LB	Committee
253	Banking, Commerce and Insurance
360	Banking, Commerce and Insurance
553	Nebraska Retirement Systems
533	Education
370	Government, Military and Veterans Affairs

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

NOTICE OF COMMITTEE HEARINGS
Constitutional Revision and Recreation

LB 293 Thursday, February 10, 1983 1:30 p.m.

LB 294	Thursday, February 10, 1983	1:30 p.m.
LB 170	Friday, February 11, 1983	1:30 p.m.
LB 175	Friday, February 11, 1983	1:30 p.m.
LB 174	Thursday, February 17, 1983	1:30 p.m.
LB 173	Thursday, February 17, 1983	1:30 p.m.
LB 409	Thursday, February 3, 1983 (Cancelled)	1:30 p.m.
LB 409	Thursday, February 17, 1983 (Reset)	1:30 p.m.

(Signed) Bernice Labedz, Chairperson

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1982 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Papio	
Taylor, Hornstein, Peters & Kluver	31,081.00

REPORT

Received Actuarial Valuation from the Public Employees Retirement Board of the following: (Sections 79-1503.01 and 79-1540 R.S. 1943, Reissue of 1981) Thirty-First Actuarial Valuation Report Nebraska School Retirement System July 1, 1981 through June 30, 1982; (Section 81-2017, R.S. 1943, Reissue of 1981) Twenty-Seventh Actuarial Valuation Report Nebraska State Patrolmen's Retirement System July 1, 1981 through June 30, 1982; (Section 24-705, R.S. 1943, Reissue of 1979) Eighteenth Actuarial Valuation Report Nebraska Judges Retirement System July 1, 1981 through June 30, 1982; (Section 84-1315, R.S. 1943, Reissue of 1981) Actuarial Valuation Report Nebraska State Employees Retirement System January 1, 1981 through December 31, 1981; (Section 23-2313, R.S. 1943, Reissue of 1977) Actuarial Valuation Report Nebraska County Employees Retirement System January 1, 1981 through December 31, 1981.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 66. Placed on General File as amended.
Standing Committee amendments to LB 66:
AM0034

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 134. Placed on General File as amended.
Standing Committee amendments to LB 134:
AM0019

1. On page 2, line 16, after "who" insert "voluntarily retires before age sixty-five or who"; and in lines 16 to 18 and 20 strike the new matter and reinstate the stricken matter.
2. On page 3, line 8, strike "seventy", show as stricken, and insert "sixty-five"; and strike the new matter beginning with the comma in line 8 through "44-1620" in line 9.

LEGISLATIVE BILL 143. Placed on General File as amended.
Standing Committee amendments to LB 143:
AM0030

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 144. Placed on General File as amended.
Standing Committee amendments to LB 144:
AM0031

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 155. Placed on General File as amended.
Standing Committee amendments to LB 155:
AM0033

1. On page 2, line 10, strike "and"; in line 13, strike the period and insert "; and"; after line 13, insert:
"(3) Manufacturer's express warranty shall mean the written warranty, so labeled, of the manufacturer of a new motor vehicle.".
2. On page 3, line 8, after "all" insert "sales taxes, license fees, registration fees and any similar governmental charges, and other"; in line 13, after "consumer" insert "and any previous owner".
3. On page 4, line 15, after "prior" insert "written".

4. Insert the following new sections:
"Sec. 8. This act shall apply to motor vehicles beginning with the manufacturer's 1984 model year.
Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 177. Placed on General File.
LEGISLATIVE BILL 178. Placed on General File.

LEGISLATIVE BILL 182. Placed on General File as amended.
Standing Committee amendments to LB 182:
AM0035
1. On page 16, line 17, strike "forty" and insert "thirty"; and in line 23 strike "forty" and insert "thirty".

LEGISLATIVE BILL 188. Placed on General File.
LEGISLATIVE BILL 197. Placed on General File.

LEGISLATIVE BILL 111. Placed on General File as amended.
Standing Committee amendments to LB 111:
AM0036
1. Insert the following new section:
"Sec. 6. This act shall not apply to any licensee operating pursuant to sections 45-114 to 45-155 and 45-173 to 45-188.".

(Signed) John W. DeCamp, Chairperson

Public Health and Welfare

LEGISLATIVE BILL 60. Placed on General File as amended.
Standing Committee amendments to LB 60:
AM0040
1. On page 2, strike beginning with "may" in line 3 through "decedent" in line 4, and insert "or an appropriately qualified designee with training in ophthalmologic techniques, as provided for in subsection (2) of section 71-4807, may remove eye tissue of the decedent for the purpose of transplantation"; in line 9 strike "the cornea" and insert "eye tissue"; and in line 12 strike "cornea" and insert "eye tissue".

LEGISLATIVE BILL 274. Placed on General File as amended.
Standing Committee amendments to LB 274:
AM0039

1. On page 3, line 4, after the period insert "The individual appointed as a receiver for a nursing home shall be licensed by the State of Nebraska as a nursing home administrator or as a hospital administrator.".

(Signed) George Fenger, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 25 and LR 26.

MOTION - Withdraw LB 402

Mr. Goll moved to withdraw LB 402.

Laid over.

MOTION - Re-Refer LB 533

Mr. Haberman moved to re-refer LB 533 from Education Committee to the Agriculture & Environment Committee.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 305 in the Journal. No objections. So ordered.

AM0046

1. On page 2, line 11, strike "Planting" and insert "Planter".

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Wiitala asked unanimous consent to have his name added as co-introducer to LB 323. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following

amendment to LB 58 in the Journal. No objections. So ordered.

AM0053

1. Insert the following new sections:

"Sec. 4. Whenever the Department of Banking and Finance determines the acquisition of any of the institutions under its supervision is necessary because its capital is impaired, it is conducting its business in an unsafe or unauthorized manner, or it is endangering the interest of depositors or savers, the Director of Banking and Finance may take immediate action in the case of an emergency so declared by the Governor, the Secretary of State, and the Director of Banking and Finance, without the benefit of a hearing, to take possession of and convert the charter, form of ownership, or operating powers of any institution under the department's supervision into the charter, form of ownership, or operating powers of a bank to facilitate the acquisition.

Sec. 5. The Department of Banking and Finance may permit cross-industry acquisition of any failing institution under its supervision or permit acquisition and operation of such institutions as a bank subsidiary by a bank holding company when the department determines the acquisition of any of the institutions under its supervision is necessary because its capital is impaired, it is conducting its business in an unsafe or unauthorized manner, or it is endangering the interests of depositors or savers. The acquiring institution may continue to operate such institution as a state institution under the respective Nebraska statutes notwithstanding its denomination as a bank subsidiary. Acquisitions under sections 4 to 8 of this act shall be deemed to be of the same nature as an acquisition of a state chartered bank and shall follow such rules or regulations established by the Director of Banking and Finance for acquisition of state chartered banks by a bank holding company.

Sec. 6. Whenever an application is received by the Department of Banking and Finance to acquire any other financial institution, the following terms and conditions shall be met and such acquisitions shall be valid only when and for as long as these conditions are satisfied:

(1) The acquiring bank holding company may not

apply for, nor shall it operate, such a state chartered institution as a nonbank subsidiary under section 4 of the Federal Bank Holding Company Act of 1956, as amended;

(2) The state chartered institution to be acquired by a bank holding company shall be subject to the conditions upon which a bank incorporated under the laws of this state may establish, maintain, relocate, or close any of its offices pursuant to the Nebraska Banking Act, but nothing in sections 4 to 8 of this act shall require such an association to divest itself of any branch office in operation at the time of acquisition; and

(3) A state chartered institution to be acquired by a bank holding company shall be subject to the provisions of section 3 of the Federal Bank Holding Company Act of 1956, as amended, and those rules and regulations that apply to bank subsidiaries of bank holding companies as are or may be established by both the Board of Governors of the Federal Reserve System and the Director of Banking and Finance.

Sec. 7. A bank holding company shall not acquire, hold, or operate a state chartered institution acquired under sections 4 to 8 of this act located in this state as a nonbank subsidiary under section 4 of the Federal Bank Holding Company Act of 1956, as amended, nor shall the Director of Banking and Finance either accept or approve an application for acquisition under sections 4 to 8 of this act which contains as a term or condition thereof the approval of the Board of Governors of the Federal Reserve System under section 4(c)(8) of the Federal Bank Holding Act.

Sec. 8. The Director of Banking and Finance may permit cross-industry acquisition or merger of institutions under its supervision upon the application of such institutions to the department. The application shall be made on forms prescribed by the department. When an application is made for such an acquisition or merger, notice of the filing of the application shall be published by the Department of Banking and Finance three weeks in a legal newspaper in or of general circulation in the county where the applicant proposes to operate the institution. 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 be not more than ninety days after the filing of the application and not less than thirty days after the last publication of notice after the

examination and approval by the department of the application. If the department, upon investigation and after public hearing on the application, shall be satisfied that the stockholders and officers of the institution applying for such acquisition or merger are parties of integrity and responsibility, that the requirements of section 8-702 have been met or some alternate form of protection for depositors has been met, and that the public necessity, convenience, and advantage will be promoted by permitting such acquisition or merger, the department shall, upon payment of the required fees, issue to such institution an order of approval for the acquisition or merger. In the case of an acquisition or merger of an institution into a bank or bank holding company, such acquisition or merger shall be subject to sections 6 and 7 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.".

2. Renumber remaining sections accordingly.

VISITORS

Visitor to the Chamber was Elvin Adamson from Nenzel, former Speaker of the Legislature.

ADJOURNMENT

At 9:23 a.m., on a motion by Mr. Wiitala, the Legislature adjourned until 9:00 a.m., Friday, January 28, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTEENTH DAY - JANUARY 28, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 28, 1983

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Geoffrey (Jeff) Duncombe, First Assembly of God Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Beutler and Mrs. Morehead who were excused; and Messrs. Chambers, Fowler, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fourteenth Day was approved.

MESSAGES FROM THE GOVERNOR

January 21, 1983

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Game and Parks Commission, requiring legislative confirmation:

Neal Keller, Brewster NE 68821, replaces Shirley Meckel, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Neal Keller
Accountability and Disclosure Commission
Game and Parks Commission
Department of Administrative Services

January 21, 1983

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Power Review Board, requiring legislative confirmation:

John Crowley, 401 Lochland Road, Hastings, NE 68901, replaces Glenn Wilson, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: John Crowley
Accountability and Disclosure Commission
Power Review Board
Department of Administrative Services

January 21, 1983

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Advisory Committee on Public Welfare, Institutions and Corrections, requiring legislative

confirmation:

The Honorable Ron Cope, 312 W. Lakeshore Drive, Kearney, Nebraska 68847, replaces John Lainson, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: The Honorable Ron Cope
Accountability and Disclosure Commission
Advisory Committee on Public Welfare, Institutions and Corrections
Department of Administrative Services

January 21, 1983

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Oil and Gas Conservation Commission, requiring legislative confirmation:

Terrence D. Malcom, P. O. Box 100, 124 West C Street, McCook, NE 69001, replaces Mike Carr, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Terrence D. Malcom
Accountability and Disclosure Commission
Oil and Gas Conservation Commission
Department of Administrative Services

UNANIMOUS CONSENT - Print in Journal

Mr. H. Peterson asked unanimous consent to print the following amendment to LB 180 in the Journal. No objections. So ordered.

AM0026

1. Strike the original sections and insert the following new sections:

"Section 1. That section 23-2810, Revised Statutes Supplement, 1982, be amended to read as follows:

23-2810. ~~Section 23-2811 shall apply to counties in which a county board of corrections has been established pursuant to section 23-2802.~~ The county board of corrections shall be responsible for the implementation of section 23-2811 in the county in which it serves. In counties with a population of less than one hundred fifty thousand, the county sheriff of such county shall be responsible for the implementation of section 23-2811.

Sec. 2. The county sheriff in counties with a population of less than one hundred fifty thousand shall adopt and promulgate rules and regulations for the administration of section 23-2811.

Sec. 3. That section 23-2811, Revised Statutes Supplement, 1982, be amended to read as follows:

23-2811. Any person sentenced to a city or county jail shall have his or her term reduced seven days for each twenty-one consecutive days during which he or she has not committed any breach of discipline or other violation of jail regulations and, if ~~required~~ requested to perform labor and consenting to perform such labor, during which he or she has faithfully performed his or her assigned duties. The reductions authorized by this section shall be granted at the end of each period of twenty-one days, with such periods to run consecutively from the date of confinement following sentencing.

Sec. 4. That original sections 23-2810 and 23-2811, Revised Statutes Supplement, 1982, are repealed.".

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 471	Friday, February 25, 1983	1:30 p.m.
LB 474	Friday, February 25, 1983	1:30 p.m.
LB 477	Friday, February 25, 1983	1:30 p.m.
LB 478	Friday, February 25, 1983	1:30 p.m.
LB 516	Thursday, March 3, 1983	1:30 p.m.
LB 544	Thursday, March 3, 1983	1:30 p.m.
LB 370	Thursday, March 3, 1983	1:30 p.m.

LB 518	Friday, March 4, 1983	1:30 p.m.
LB 549	Friday, March 4, 1983	1:30 p.m.
LB 550	Friday, March 4, 1983	1:30 p.m.

(Signed) David Landis, Chairperson

Public Health and Welfare

LB 48	Monday, February 7, 1983	1:30 p.m.
LB 541	Monday, February 7, 1983	1:30 p.m.
LB 417	Monday, February 7, 1983	1:30 p.m.
LB 583	Monday, February 7, 1983	1:30 p.m.
LB 314	Tuesday, February 8, 1983	1:30 p.m.
LB 142	Tuesday, February 8, 1983	1:30 p.m.
LB 51	Tuesday, February 8, 1983	1:30 p.m.

(Signed) George Fenger, Chairperson

Business and Labor

LB 521	Wednesday, February 16, 1983	1:30 p.m.
LB 524	Wednesday, February 16, 1983	1:30 p.m.
LB 543	Wednesday, February 16, 1983	1:30 p.m.
LB 280	Wednesday, February 16, 1983	1:30 p.m.
LB 537	Wednesday, February 23, 1983	1:30 p.m.
LB 496	Wednesday, February 23, 1983	1:30 p.m.
LB 567	Wednesday, February 23, 1983	1:30 p.m.
LB 292	Wednesday, March 2, 1983	1:30 p.m.
LB 483	Wednesday, March 2, 1983	1:30 p.m.
LB 424	Wednesday, March 2, 1983	1:30 p.m.
LB 523	Wednesday, March 2, 1983	1:30 p.m.

(Signed) Bill Barrett, Chairperson

Education

LB 296	Monday, February 7, 1983	1:30 p.m.
LB 7	Monday, February 7, 1983	1:30 p.m.
LB 256	Monday, February 7, 1983	1:30 p.m.
LB 257	Monday, February 7, 1983	1:30 p.m.
LB 333	Monday, February 7, 1983	1:30 p.m.
LB 331	Tuesday, February 8, 1983	1:30 p.m.
LB 209	Tuesday, February 8, 1983	1:30 p.m.
LB 159	Tuesday, February 8, 1983	1:30 p.m.

LB 328	Tuesday, February 8, 1983	1:30 p.m.
LB 430	Monday, February 14, 1983	1:30 p.m.
LB 211	Monday, February 14, 1983	1:30 p.m.
LB 130	Monday, February 14, 1983	1:30 p.m.
LB 419	Monday, February 14, 1983	1:30 p.m.
LB 568	Tuesday, February 15, 1983	1:30 p.m.
LB 585	Tuesday, February 15, 1983	1:30 p.m.
LB 556	Tuesday, February 15, 1983	1:30 p.m.
LB 584	Tuesday, February 15, 1983	1:30 p.m.

(Signed) Tom Vickers, Chairperson

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 29. Placed on General File.
LEGISLATIVE BILL 39. Placed on General File.

LEGISLATIVE BILL 126. Placed on General File as amended.
Standing Committee amendments to LB 126:
AM0045

1. On page 4, line 1, strike "eighty" and insert "sixty-five".
2. On page 4, line 12, after "all" insert "eligible"; in line 13 after "institutions" insert "as defined in subdivision (4) of section 2 of this act"; in line 14 after "each" insert "eligible"; in line 16 after "all" insert "eligible"; and in line 23 after "such" insert "eligible".

LEGISLATIVE BILL 99. Indefinitely postponed.
LEGISLATIVE BILL 106. Indefinitely postponed.

(Signed) Tom Vickers, Chairperson

Business and Labor

LEGISLATIVE BILL 185. Placed on General File.

LEGISLATIVE BILL 248. Placed on General File as amended.
Standing Committee amendments to LB 248:
AM0050

1. On page 23, line 10, strike "lowest" and insert "lower".
2. On page 30, line 1, strike "clause.", insert "subdivision", and reinstate the stricken

5 semicolon.

LEGISLATIVE BILL 249. Placed on General File as amended.
Standing Committee amendment to LB 249:
AM0052
1 1. On page 4, line 5, strike "six" and insert
2 "seven".

(Signed) Bill Barrett, Chairperson

ANNOUNCEMENT

Mr. DeCamp announced that the Banking, Commerce and Insurance Committee and the Education Committee will be switching hearing rooms on Monday, January 31, 1983.

The Banking Committee will be meeting in Room 1517 and the Education Committee will meet in Room 1117.

NOTICE OF COMMITTEE HEARINGS

Appropriations

Monday, February 7, 1983, 1:30 p.m.
Agency 51 - University of Nebraska

Tuesday, February 8, 1983, 1:30 p.m.
Agency 49 - Board of Trustees of the Nebraska State Colleges
Agency 50 - Nebraska State Colleges

Wednesday, February 9, 1983, 1:30 p.m.
Agency 48 - Coordinating Comm. for Postsecondary Education
Agency 83 - Technical Community Colleges

Public Hearing:
LB 255 - Appropriate funds for Scholarship Award Program
LB 410 - To modify provisions relating to the distribution of the cigarette tax and provide for allocation to the University Building Renovation Fund.

(Signed) Jerome Warner, Chairperson

Miscellaneous Subjects

LB 176	Thursday, February 10, 1983	1:30 p.m.
LB 190	Thursday, February 10, 1983	1:30 p.m.
LB 258	Thursday, February 10, 1983	1:30 p.m.
LB 259	Thursday, February 10, 1983	1:30 p.m.

LB 336	Thursday, March 3, 1983	1:30 p.m.
LB 347	Thursday, March 3, 1983	1:30 p.m.

(Signed) Elroy M. Hefner, Chairperson

MOTION - Withdraw LB 337

Mr. Vickers moved to withdraw LB 337 pursuant to rule 5, section 12.

Laid over.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Barrett asked unanimous consent to have his name added as co-introducer to LB 500. No objections. So ordered.

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 236. No objections. So ordered.

Mr. Kahle asked unanimous consent to have his name added as co-introducer to LB 533. No objections. So ordered.

Mr. Von Minden asked unanimous consent to have his name added as co-introducer to LB 339. No objections. So ordered.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 116. Placed on General File.

(Signed) Elroy M. Hefner, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 27, 1983. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Alexander, Hugh - Lincoln, Information Technology, Inc.
Ardoin, Kenneth A. - Dallas, TX, Pfizer Pharmaceuticals
Ayres, Joseph W. - Lincoln, Nebraska Library Association; Nebraska Monument Builders Association
Besaw, Daniel J. - St. Paul, MN, Motor Vehicle Manufacturers

Association
Brauer, Siegfried H., III - Lincoln, Nebraska School Improvement Association
Fischer, Thomas B. - Lincoln, First National Bank & Trust Company of Lincoln; First Savings Company of Lincoln
Hackendahl, R. H. - Lincoln, Associated Builders & Contractors
Hallstrom, Robert J. - Syracuse, Nebraska Bankers Association, Inc.
Hansen, JoAnn - Lincoln, Nebraska Public Power District
Herman, Charles - Chicago, IL, Ford Motor Company
Howard, David M. - Lincoln, Nebraskans Against the Death Penalty
Ketelsen, Roger - Lincoln, Independent Insurance Agents of Nebraska
Knudsen, Berkheimer, Richardson & Endacott:
Ruth, Larry L. - Lincoln, Nebraska Hearing Aid Dealers Association
Luedtke, Roland A. - Lincoln, Nebraska District Judges Association
McMullen, Alfred H. - Oklahoma City, OK, General Motors Corporation
Meyer, Daniel W. - Lincoln, Nebraska Association of County Officials
Morris, William J. - Lincoln, Nebraska Auto Body Association
Nelson, Nette A. - Lincoln, Associated Students of the Unviersity of Nebraska
Peters, William E. - Lincoln, Nebraska Petroleum Marketers, Inc.
Ridenour, Brian K. - Lincoln, Information Technology, Inc.
Robinson, William J. - Lincoln, American Federation of State, County & Municipal Employees
Schafer, Edwin C. - Omaha, Nebraska Broadcasters Association
Searcy, Don - Lincoln, Nebraska Realtors Association
Shultz, Jack L. - Lincoln, Nelson & Harding
Siefkes, Herman - Lincoln, Nebraska Restaurant Association

MOTION - Withdraw LB 402

Mr. Goll renewed his pending motion found in the Journal on page 319 to withdraw LB 402.

The motion prevailed with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 52. Placed on General File.
LEGISLATIVE BILL 303. Placed on General File.

LEGISLATIVE BILL 22. Placed on General File as amended.
Standing Committee amendment to LB 22:
AM0064
1. On page 7, lines 5 and 6, reinstate the

stricken matter; in lines 7, 9, 12, 14, and 24, strike the new matter and reinstate the stricken matter; and in line 20 strike "(6)" and reinstate "(7)".

LEGISLATIVE BILL 71. Placed on General File as amended.
Standing Committee amendment to LB 71:
AM0065

1. Insert the following new sections:

Section 1. The Legislature hereby finds and declares that the problems relating to the critical social, economic, and environmental problems of the nation's cities, towns, and smaller urban communities which are found and declared by the Congress of the United States in the Housing and Community Development Act of 1974 as amended through the Housing and Community Development Amendments of 1981 exist within this state and that it is in the public interest for the state, cities of all classes, villages, or counties to be authorized to apply for, receive, or expend federal funds for the eligible activities under such act or to administer such programs. The Legislature hereby declares such activities to be a public purpose within this state. Money received from the federal government for such activities shall be placed in a distinct and separate fund and shall not be commingled with other money of the state, city, village, or county.

Sec. 7. That section 18-2101.01, Revised Statutes Supplement, 1982, 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 thereof. When such an agency is created, it shall function in the manner prescribed by ordinance and may exercise all of the power and authority granted to a community redevelopment authority in sections 18-2101 to 18-2144. Cities of all classes and villages of this state are ~~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 ~~1977~~ 1974, as amended through the Housing and Community

Development Amendments of 1981. 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 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 16, line 13, strike "70-4,151" and insert "79-4,151".

3. On page 17, line 12, after the third comma insert "18-2101.01,".

4. Renumber original sections 1 to 5 and 6 to 13 as sections 2 to 6 and 8 to 15 respectively.

LEGISLATIVE BILL 131. Indefinitely postponed.

(Signed) Dave Newell, Chairperson

Constitutional Revision and Recreation

LEGISLATIVE BILL 162. Placed on General File.
LEGISLATIVE BILL 163. Placed on General File.

(Signed) Bernice Labedz, Chairperson

Public Works

LEGISLATIVE BILL 50. Placed on General File.

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 474. No objections. So ordered.

Mrs. Pirsch asked unanimous consent to have her name added as co-introducer to LB 48. No objections. So ordered.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 138. Placed on General File.
LEGISLATIVE BILL 139. Placed on General File.

LEGISLATIVE BILL 88. Placed on General File as amended.

Standing Committee amendment to LB 88:
AM0011
1. On page 3, strike beginning with "based"
in line 3 through the underscored comma in line 4.

LEGISLATIVE BILL 54. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

VISITORS

Visitors to the Chamber were Larry and Ruth Nelson from Arlington; Janyce Warneke from Plainview; Harvey Tompkins from Inman; and Monica Kirk from Scottsbluff.

ADJOURNMENT

At 9:28 a.m., on a motion by Mr. Landis, the Legislature adjourned until 10:00 a.m., Monday, January 31, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTEENTH DAY - JANUARY 31, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 31, 1983

Pursuant to adjournment, the Legislature met at 10:00 a.m., President McGinley presiding.

PRAYER

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

ROLL CALL

The roll was called and all members were present except Mr. Cullan who was excused; and Mr. Haberman who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifteenth Day was approved.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 26. Placed on General File.

LEGISLATIVE BILL 101. Placed on General File as amended.
Standing Committee amendment to LB 101:
AM0071
1. On page 6, line 1, reinstate the stricken matter; and in line 2 strike the new matter.

LEGISLATIVE BILL 193. Placed on General File as amended.
Standing Committee amendments to LB 193:
AM0072
1. On page 2, lines 22 to 27, strike the new matter.
2. On page 3, lines 1 to 3 and 6, strike the new matter.
3. On page 8, line 5, strike "taxable" and

insert "property taxes levied in" and strike "valuation of" and show as stricken; in line 6 strike "taxable valuation of" and insert "property taxes levied in"; and in line 7 before the period, insert ", as determined pursuant to section 77-628".

LEGISLATIVE BILL 196. Placed on General File as amended.
Standing Committee amendments to LB 196:
AM0075

1. On page 4, line 25, strike "including, but not limited to," and insert "consisting of".

2. On page 21, line 14, strike "such" and insert "using"; and in line 15 strike "as".

LEGISLATIVE BILL 245. Placed on General File as amended.
Standing Committee amendments to LB 245:
AM0076

1. Insert the following new section:

"Section 1. That section 77-421, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-421. ~~Commencing in 1970, the~~ The Tax Commissioner shall, in February ~~March~~ and September of each year, hold examinations of applicants for certification as county assessor. An applicant for the examination shall, not less than ~~thirty~~ ten days before an examination, present to the Tax Commissioner written application on forms provided by the Tax Commissioner. Such application shall not be considered by the Tax Commissioner unless accompanied by a payment of a fee in the sum of ten dollars to the order of the Tax Commissioner. Examination shall be written~~, or both written and oral,~~ and shall be of such character as fairly to test and determine the qualifications, fitness and ability of the person tested actually to perform the duties of county assessor. The ~~Nebraska County Assessors Association shall assist the~~ Tax Commissioner shall prepare ~~in preparing~~ such examination.".

2. On page 2, line 8, strike "section" and insert "sections 77-421 and"; and in line 9 strike "is" and insert "are".

3. Renumber original sections 1 and 2 as sections 2 and 3 respectively.

LEGISLATIVE BILL 156. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 239	Monday, February 7, 1983	1:30 p.m.
LB 382	Monday, February 7, 1983	1:30 p.m.
LB 301	Monday, February 7, 1983	1:30 p.m.
LB 299	Monday, February 7, 1983	1:30 p.m.
LB 298	Monday, February 7, 1983	1:30 p.m.
LB 454	Monday, February 7, 1983	1:30 p.m.
LB 215	Tuesday, February 8, 1983	1:30 p.m.
LB 243	Tuesday, February 8, 1983	1:30 p.m.
LB 238	Tuesday, February 8, 1983	1:30 p.m.
LB 240	Tuesday, February 8, 1983	1:30 p.m.
LB 241	Tuesday, February 8, 1983	1:30 p.m.
LB 252	Tuesday, February 8, 1983	1:30 p.m.
LB 390	Monday, February 14, 1983	1:30 p.m.
LB 343	Monday, February 14, 1983	1:30 p.m.
LB 340	Monday, February 14, 1983	1:30 p.m.
LB 260	Monday, February 14, 1983	1:30 p.m.
LB 300	Monday, February 14, 1983	1:30 p.m.
LB 278	Monday, February 14, 1983	1:30 p.m.

(Signed) John W. DeCamp, Chairperson

MESSAGES FROM THE GOVERNOR

January 26, 1983

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Game and Parks Commission, requiring legislative confirmation:

Dr. Timothy J. Biga, 608 Kapalar Circle, Norfolk, NE 68701 replaces Bruce Cowgill, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Dr. Timothy J. Biga
Accountability and Disclosure Commission
Game and Parks Commission
Department of Administrative Services

January 26, 1983

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

Dear Mr. President and Senators:

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

Jerry Koch, 7610 Sunset Drive, Ralston, Nebraska replaces John C. Mitchell, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Jerry Koch
Accountability and Disclosure Commission
Board of Educational Lands and Funds
Department of Administrative Services

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1982 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lower Niobrara	
West Knox Rural Water System Attorney	9,934.98
Upper Big Blue	
Crosby, Guenzel, Davis,	

Kessner & Kuester	
Steve Seglin	22,431.10
Luebs, Dowding, Beltzer, Leininger & Smith	
Vince Dowding	3,887.25
Baird, Holm, McEachen, Pedersen, Hamann & Strasheim	
Richard Pederson	2,498.15

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 11. Placed on General File.
LEGISLATIVE BILL 23. Placed on General File.
LEGISLATIVE BILL 33. Placed on General File.
LEGISLATIVE BILL 36. Placed on General File.
LEGISLATIVE BILL 191. Placed on General File.

LEGISLATIVE BILL 10. Placed on General File as amended.
Standing Committee amendment to LB 10:
AM0080

1. On page 10, line 6, after "roads" insert "and at regular intervals thereon".

LEGISLATIVE BILL 15. Placed on General File as amended.
Standing Committee amendment to LB 15:
AM0081

1. On page 2, line 17, before "No" insert "No person who is a full-time or part-time employee of the district shall be eligible to serve as a member of the board of directors unless such person resigns or assumes an unpaid leave of absence for the term as a member. The district shall grant such leave of absence when requested by any employee for the purpose of the employee serving as a member of the board of directors.".

LEGISLATIVE BILL 21. Placed on General File as amended.
Standing Committee amendments to LB 21:
AM0082

1. On page 2, line 8, strike "7" and insert "6".
2. Strike original section 2.
3. On page 4, strike beginning with the comma in line 11 through the comma in line 12; and in line 15 strike "3" and insert "2".
4. On page 5, lines 7 and 14, strike "3" and insert "2"; in line 11, strike "5" and insert "4"; and

in lines 15 and 25, strike "or use".

5. On page 6, line 3, strike "or use"; in line 5 strike "sections" and insert "section" and strike "and"; in line 6 strike "46-231" and strike "are" and insert "is".

6. Renumber original sections 3 to 8 as sections 2 to 7 respectively.

LEGISLATIVE BILL 37. Placed on General File as amended.
Standing Committee amendment to LB 37:
AM0083

1. On page 3, line 2, reinstate the first "a", after the reinstated "a" insert "resident", and reinstate "of a"; and reinstate the stricken matter in lines 3 and 4.

LEGISLATIVE BILL 128. Indefinitely postponed.
LEGISLATIVE BILL 166. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

MOTION - Withdraw LB 337

Mr. Vickers renewed his pending motion found in the Journal on page 330 to withdraw LB 337.

The motion prevailed with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

MOTION - Withdraw LB 242

Mr. Chambers moved to withdraw LB 242.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 44. Title read. Considered.

Mr. DeCamp requested pursuant to Rule 6, Section 2b to send the bill to committee.

The Chair sustained Mr. DeCamp's point of order and referred the bill to the Reference Committee.

Mr. Hoagland requested to have LB 44 laid over.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 262. Placed on General File.

(Signed) Elroy M. Hefner, Chairperson

Judiciary

LEGISLATIVE BILL 40. Placed on General File as amended.
Standing Committee amendments to LB 40:
AM0059

1. Strike original section 1 and insert the following new section:

"Section 1. That section 28-519, Revised Statutes Supplement, 1982, be amended to read as follows:

28-519. (1) A person commits criminal mischief if he or she:

(a) Damages property of another intentionally or recklessly; ~~or~~

(b) Intentionally tampers with property of another so as to endanger person or property; or

(c) Intentionally or maliciously causes another to suffer pecuniary loss by deception or threat.

(2) Criminal mischief is a Class III felony if the actor intentionally causes pecuniary loss in excess of one thousand dollars.

~~(2)~~ (3) Criminal mischief is a Class IV felony if the actor intentionally causes pecuniary loss ~~in excess~~ of three hundred dollars or more, but not over one thousand dollars, or a substantial interruption or impairment of public communication, transportation, supply of water, gas, or power, or other public service.

~~(3)~~ (4) Criminal mischief is a Class II misdemeanor if the actor intentionally causes pecuniary loss ~~in excess~~ of more than one hundred dollars but less than three hundred dollars.

~~(4)~~ (5) Criminal mischief is a Class III misdemeanor if the actor intentionally or recklessly causes pecuniary loss in an amount of one hundred dollars or less, or if his or her action results in no pecuniary loss.".

LEGISLATIVE BILL 41. Indefinitely postponed.
LEGISLATIVE BILL 57. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 82. Placed on General File.
LEGISLATIVE BILL 83. Placed on General File.

(Signed) David Landis, Chairperson

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 4	Monday, February 7, 1983	1:30 p.m.
LB 5	Monday, February 7, 1983	1:30 p.m.
LB 77	Monday, February 7, 1983	1:30 p.m.
LB 374	Monday, February 7, 1983	1:30 p.m.
LB 13	Tuesday, February 8, 1983	1:30 p.m.
LB 121	Tuesday, February 8, 1983	1:30 p.m.
LB 355	Tuesday, February 8, 1983	1:30 p.m.
LB 422	Tuesday, February 8, 1983	1:30 p.m.
LB 371	Wednesday, February 9, 1983	1:30 p.m.
LB 276	Wednesday, February 9, 1983	1:30 p.m.
LB 137	Wednesday, February 9, 1983	1:30 p.m.
LB 8	Monday, February 14, 1983	1:30 p.m.
LB 394	Monday, February 14, 1983	1:30 p.m.
LB 500	Monday, February 14, 1983	1:30 p.m.
LB 594	Monday, February 14, 1983	1:30 p.m.
LB 269	Tuesday, February 15, 1983	1:30 p.m.
LB 272	Tuesday, February 15, 1983	1:30 p.m.
LB 428	Tuesday, February 15, 1983	1:30 p.m.
LB 492	Tuesday, February 15, 1983	1:30 p.m.
LB 318	Wednesday, February 16, 1983	1:30 p.m.
LB 361	Wednesday, February 16, 1983	1:30 p.m.
LB 590	Wednesday, February 16, 1983	1:30 p.m.
LB 202	Wednesday, February 16, 1983 (Room 1520)	7:00 p.m.
LB 307	Wednesday, February 16, 1983 (Room 1520)	7:00 p.m.
LB 329	Tuesday, February 22, 1983	1:30 p.m.
LB 330	Tuesday, February 22, 1983	1:30 p.m.
LB 334	Tuesday, February 22, 1983	1:30 p.m.
LB 532	Tuesday, February 22, 1983	1:30 p.m.
LB 377	Wednesday, February 23, 1983	1:30 p.m.
LB 588	Wednesday, February 23, 1983	1:30 p.m.

LB 306 Wednesday, February 23, 1983 1:30 p.m.

(Signed) Chris Beutler, Chairperson

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 34. Placed on General File.
LEGISLATIVE BILL 104. Placed on General File.

(Signed) Bernice Labedz, Chairperson

NOTICE OF COMMITTEE HEARINGS
Constitutional Revision and Recreation

LR 3CA	Thursday, February 24, 1983	1:30 p.m.
LR 19CA	Thursday, February 24, 1983	1:30 p.m.
LR 1CA	Thursday, February 24, 1983	1:30 p.m.
LR 18CA	Thursday, February 24, 1983	1:30 p.m.
LR 2CA	Friday, February 25, 1983	1:30 p.m.
LR 6CA	Friday, February 25, 1983	1:30 p.m.
LR 10CA	Friday, February 25, 1983	1:30 p.m.
LR 4CA	Thursday, March 3, 1983	1:30 p.m.
LR 5CA	Thursday, March 3, 1983	1:30 p.m.
LR 22CA	Thursday, March 3, 1983	1:30 p.m.
LR 8CA	Friday, March 4, 1983	1:30 p.m.
LR 11CA	Friday, March 4, 1983	1:30 p.m.
LR 21CA	Friday, March 4, 1983	1:30 p.m.
LR 14CA	Thursday, March 10, 1983	1:30 p.m.
LR 15CA	Thursday, March 10, 1983	1:30 p.m.
LR 17CA	Thursday, March 17, 1983	1:30 p.m.
LR 20CA	Thursday, March 17, 1983	1:30 p.m.

Governor's Appointment - Thursday, March 10, 1983, 1:30 p.m.
Neal Keller, Game and Parks

(Signed) Bernice Labedz, Chairperson

GENERAL FILE

LEGISLATIVE BILL 58. Title read. Considered.

Standing Committee amendments found in the Journal on page 301 for

the Twelfth Day were considered.

Mr. Landis requested a division of the question on the Standing Committee amendments.

The Chair sustained the division of the question.

The first committee amendment is as follows:
1. On page 9, line 7, strike "more than" and insert "deposits greater than an amount equal to"; and in line 8 strike "and" and insert "plus".
2. On page 9, line 14, strike "five" and insert "twenty-five"; in line 17 strike "five" and insert "twenty-five"; in line 19 after "company" insert "in Nebraska";
3. On page 10, line 3, after the underscored period insert "Acquisition right or rights provided in this section to any bank holding company, including any out-of-state bank holding company, if not exercised at the time permitted in this section, may be carried forward to one or more subsequent years to be exercised on a cumulative basis.".
4. On page 10, line 5, strike "location" and insert "located".

The first committee amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

The second committee amendment is as follows:
and strike beginning with "at" in line 25 through the underscored period in line 26 and insert "until January 1, 1984. Beginning January 1, 1984, the maximum number of banks located in the State of Nebraska that such a bank holding company may own or control shall be increased by one each year to a maximum number of twelve banks located in the State of Nebraska on December 31, 1986, or thereafter.".

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. H. Peterson 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 second committee amendment lost with 14 ayes, 26 nays, 7 present and not voting, and 2 excused and not voting.

Mr. DeCamp renewed his pending amendment, AM0053, found in the Journal on page 319.

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

Mr. Lamb offered the following amendment:
Pg 9, L 8 delete beginning with "and"
thru "state" in line 11.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. DeCamp requested a record vote on the Lamb amendment.

Voting in the affirmative, 17 :

Barrett	Beyer	Carsten	Clark	Goll
Hefner	Higgins	Johnson, L.	Kahle	Kilgarin
Lamb	Nichol	Peterson, R.	Remmers	Sieck
Von Minden	Wagner			

Voting in the negative, 26 :

Abboud	DeCamp	Doyle	Eret	Fenger
Fowler	Goodrich	Haberman	Hannibal	Hoagland
Johnson, V.	Labedz	Landis	Lundy	Marsh
Morehead	Newell	Pappas	Peterson, H.	Pirsch
Rupp	Schmit	Vickers	Warner	Wesely
Wiitala				

Present and not voting, 5:

Beutler	Chambers	Chronister	Jacobson	Johnson, R.

Excused and not voting, 1 :

Cullan

The Lamb amendment lost with 17 ayes, 26 nays, 5 present and not voting, and 1 excused and not voting.

Mr. Hefner offered the following amendment:
Amend LB 58 on Page 9 line 7 strike ten and insert six.

Mr. V. Johnson offered the following amendment:
Amend the Hefner amendment by substituting "nine" in place of

"six."

Mr. H. Peterson 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 V. Johnson amendment to the Hefner amendment was adopted with 26 ayes, 19 nays, 3 present and not voting, and 1 excused and not voting.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. V. Johnson requested a roll call vote on the Hefner amendment.

Voting in the affirmative, 25 :

Abboud	Barrett	Beyer	Carsten	Clark
Fowler	Goll	Hefner	Higgins	Jacobson
Johnson, L.	Johnson, V.	Kahle	Kilgarin	Lamb
Lundy	Morehead	Nichol	Pappas	Peterson, R.
Remmers	Rupp	Sieck	Von Minden	Wagner

Voting in the negative, 20 :

Chronister	DeCamp	Doyle	Eret	Fenger
Goodrich	Haberman	Hannibal	Hoagland	Johnson, R.
Labedz	Landis	Marsh	Newell	Peterson, H.
Pirsch	Schmit	Vickers	Warner	Wiitala

Present and not voting, 3 :

Beutler	Chambers	Wesely

Excused and not voting, 1 :

Cullan

The Hefner amendment, as amended, was adopted with 25 ayes, 20 nays, 3 present and not voting, and 1 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Appropriations

Thursday, March 3, 1983, Room 1520 - 7:00 p.m.
Public Testimony on Suggestions for the 1983-84 State Salary Policy

Thursday, February 10, Room 1003 - 1:30 p.m.
Public Hearing
LB 529 - Establish system for determining state employee salary increases.
LB 581 - Eliminate discriminatory factor in salary surveys.
Agency 77 - Commission of Industrial Relations
Agency 80 - Department of Personnel
Agency 85 - Public Employees' Retirement Board

Friday, February 11, 1983, Room 1003 - 1:30 p.m.
Public Hearing:
LB 271 - Create a Supreme Court Reports Revolving Fund.
Agency 05 - Supreme Court
Agency 06 - District Court
Agency 37 - Workmen's Compensation Court
Public hearing:
LB 263 - Authorize Workmen's Compensation Court to Charge fees for copying documents.
LB 264 - Create the Workmen's Compensation Court Cash Fund and provide for abatement of contributions.
LB 265 - Create Workmen's Compensation Court Cash Fund.
LB 266 - Create vocational rehabilitation fund.
LB 267 - Provide for creation and use of Cash Fund by Workmen's Compensation Court.
LB 268 - Provide for self-insurance provision for Workmen's Compensation Court.

Monday, February 14, Room 1003 - 1:30 p.m.
Public Hearing:
LB 527 - Create funds for the Schools for the Visually Handicapped and the Deaf.
Agency 13 - Department of Education
Public Hearing:
Education Block Grant
Agency 47 - Nebraska Educational Television Commission
Agency 34 - Nebraska Library Commission

Tuesday, February 15, 1983, Room 1003 - 1:30 p.m.
Agency 54 - State Historical Society
Agency 69 - Nebraska Arts Council
Agency 38 - Nebraska Commission on the Status of Women
Agency 67 - Equal Opportunity Commission
Agency 68 - Mexican-American Commission
Agency 72 - Nebraska Indian Commission
Agency 82 - Commission for the Hearing Impaired

Wednesday, February 16, Room 1003 - 1:30 p.m.
Public Hearing:
LB 468 - Require funds managed by state investment officer to share costs.
Agency 09 - Secretary of State
Agency 10 - State Auditor
Agency 11 - Attorney General
Agency 12 - State Treasurer
Agency 75 - Nebraska Investment Council
Agency 87 - Political Accountability and Disclosure Commission
Agency 89 - State Claims Board

Thursday, February 17, 1983, Room 1003 - 1:30 p.m.
Public Hearing:
LB 469 - Eliminate requirement for depositing fees in General Fund.
Agency 32 - Board of Educational Lands and Funds
Agency 39 - Nebraska Brand Committee
Agency 41 - State Real Estate Commission
Agency 45 - Board of Barber Examiners
Agency 58 - Board of Examiners for Professional Engineers and Architects
Agency 62 - Board of Examiners for Land Surveyors
Agency 63 - State Board of Public Accountancy
Agency 66 - Abstracters Board of Examiners
Agency 73 - Board of Examiners for Landscape Architects

Friday, February 18, 1983, Room 1003 - 9:00 a.m.
Agency 14 - Public Service Commission
Agency 21 - State Fire Marshal
Agency 30 - State Electrical Board
Agency 35 - Liquor Control Commission
Agency 36 - State Racing Commission
Agency 40 - Nebraska Motor Vehicle Industry Licensing Board
Agency 43 - State Athletic Commissioner

Friday, February 18, 1983, Room 1003 - 1:30 p.m.
Working Session

Tuesday, February 22, 1983, Room 1003 - 1:30 p.m.
Public Hearing:
LB 282 - Increase the amount of funds credited to the Agricultural Alcohol Fuel Tax Fund.
Agency 60 - Nebraska Gasohol Committee
Public Hearing:
LB 354 - Appropriate funds for Crawford Fish Hatchery
Agency 33 - Game and Parks Commission
Agency 57 - Oil and Gas Conservation Commission
Agency 74 - Power Review Board

Agency 81 - State Energy Office

Wednesday, February 23, 1983, Room 1003 - 1:30 p.m.
Agency 18 - Department of Agriculture
Agency 52 - State Board of Agriculture
Agency 53 - Agricultural Activities
Agency 56 - Nebraska Wheat Board

Thursday, February 24, 1983, Room 1003 - 1:30 p.m.
Agency 29 - Department of Water Resources
Agency 55 - Nebraska Natural Resources Commission
Agency 84 - Department of Environmental Control

Friday, February 25, 1983, Room 1003 - 1:30 p.m.
Working Session

Monday, February 28, 1983, Room 1003 - 1:30 p.m.
Public Hearing:
LB 132 - Require depositing damages recovered by Attorney General in Dept. of Roads cash fund.
LB 577 - Finance the State Patrol's Protection of People and Property Program.
Agency 24 - Department of Motor Vehicles
Agency 27 - Department of Roads
Agency 90 - Branch Rail Revitalization Council

Tuesday, March 1, 1983, Room 1003 - 1:30 p.m.
Public Hearing:
LB 38 - Increase the Nebraska Veterans' Aid Fund.
Agency 28 - Department of Veterans' Affairs
Agency 23 - Department of Labor
Job Training Partnership Act of 1982
Agency 17 - Department of Aeronautics
Agency 64 - State Patrol

Wednesday, March 2, 1983, Room 1003 - 1:30 p.m.
Agency 70 - State Foster Care Review Board
Agency 20 - Department of Health
Public Hearing:
Health Prevention and Services Block Grant
Maternal and Child Health Block Grant
Primary Care Block Grant
Agency 26 - Department of Public Welfare
Public Hearing:
Social Services Block Grant
Low-Income Energy Assistance Block Grant
Community Services Block Grant

Thursday, March 3, 1983, Room 1003 - 1:30 p.m.
Agency 71 - Department of Aging
Agency 25 - Department of Public Institutions
Public Hearing:
Alcohol, Drug Abuse, and Mental Health Services Block Grant

Friday, March 4, 1983, Room 1003 - 1:30 p.m.
Public Hearing:
LB 398 - Provide appropriation to Crime Victim's Reparations Board.
Agency 15 - Board of Pardons and Parole
Agency 46 - Department of Correctional Services
Agency 78 - Commission on Law Enforcement and Criminal Justice

Monday, March 7, 1983, Room 1003 - 1:30 p.m.
Agency 31 - Military Department
Agency 16 - Department of Revenue
Agency 19 - Department of Banking
Agency 22 - Department of Insurance
Agency 72 - Department of Economic Development
Public Hearing:
Community Development Block Grant

Tuesday, March 8, 1983, Room 1003 - 1:30 p.m.
Agency 03 - Legislative Council
Agency 07 - Governor
Agency 08 - Lieutenant Governor
Agency 04 - Policy Research Office
Agency 65 - Department of Administrative Services

(Signed) Jerome Warner, Chairperson

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 194. Placed on General File as amended.
Standing Committee amendments to LB 194:
AM0073

1. On page 2, line 5, after "transferring" insert "beneficial interest in or legal".

2. On page 3, strike beginning with "the husband" in line 14 through the comma in line 18, show the old matter as stricken, and insert "members of a family, or a trust created for the benefit of a member of that family, related to one another within the fourth degree of kindred according to the rules of civil law, and their spouses,"; in line 23 after "partnership" insert". In order to qualify for the exemption for family corporations or partnerships, the property must

be transferred in the name of the corporation or partnership and not in the name of the individual shareholders or partners".

3. On page 4, line 3, strike the underscored comma and insert "or"; in line 4 strike ", or dissolution"; strike beginning with "which" in line 14 through "title" in line 15; in line 20 strike "property" and after "heirs" insert "property passing by testate or intestate succession"; in line 22 after "grantor" insert "or grantee"; strike beginning with "would" in line 25 through "of" on line 27 and insert "of the same property would be exempt if the transfer was made directly from the grantor to all of the possible beneficiaries, whether or not such beneficiaries are contingent or specifically named. No such exemption shall be granted unless the register of deeds is presented with a copy of the trust instrument that clearly indicates the grantor and all possible beneficiaries;".

4. On page 5, strike lines 1 through 5; in line 7 strike the underscored period and insert "; or"; and after line 7 insert the following subdivision: "(19) Leases.".

LEGISLATIVE BILL 195. Placed on General File as amended.
Standing Committee amendments to LB 195:
AM0074

1. On page 2, strike beginning with "Evidence" in line 17 through the underscored period in line 21 and insert "The deed, trust instrument, contract or memorandum showing that the criteria of this section have been met shall be on file on the appropriate public record as of January 1 of the year for which exemption is sought, except that, if such instrument is not on file as of January 1, a copy of such instrument shall be attached to such application before the homestead exemption shall be granted.".

2. On page 4, line 21, strike "or authorized agent"; and strike beginning with "If" in line 23 through the underscored period in line 27 and insert "If an owner who in all respects qualifies for a homestead exemption under sections 77-3501 through 77-3529 dies after January 1 and before April 1 and before applying for a homestead exemption, his or her personal representative may file the application for exemption on or before April 1 of that year. Any exemption granted as a result of such application signed by a personal representative shall be in effect for only the year in which the owner died.".

(Signed) Calvin F. Carsten, Chairperson

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 105	Monday, February 7, 1983	1:30 p.m.
LB 344	Monday, February 7, 1983	1:30 p.m.
LB 484	Monday, February 7, 1983	1:30 p.m.
LB 184	Tuesday, February 8, 1983	1:30 p.m.
LB 365	Tuesday, February 8, 1983	1:30 p.m.
LB 396	Tuesday, February 8, 1983	1:30 p.m.

(Signed) Calvin F. Carsten, Chairperson

ANNOUNCEMENT

Mr. Carsten announced the Revenue Committee will have an Executive Session on Wednesday, February 9, 1983, at 1:30 p.m.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 58 in the Journal. No objections. So ordered.

Page 8 Line 25 strike beginning with "3" thru line 1 page 9.

VISITORS

Visitors to the Chamber were Senator Fenger's daughter, Mrs. Steve Baker, and his granddaughter, Jennifer; Senator Carsten's son, Steve; Senator Doyle's wife and niece, Karen Brennan; and 30 LEAD fellows participating in a training program for agricultural leaders.

ADJOURNMENT

At 12:02 p.m., on a motion by Speaker Nichol, the Legislature adjourned until 9:00 a.m., Tuesday, February 1, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTEENTH DAY - FEBRUARY 1, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 1, 1983

Pursuant to adjournment, the Legislature met at 9:04 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Doug Birr, Rosemont Christian Missionary Alliance Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. V. Johnson who was excused; and Messrs. Fowler, Haberman, R. Johnson, Schmit, Wesely, and Mrs. Marsh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixteenth Day was approved.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Jacobson asked unanimous consent to have his name added as co-introducer to LB 86. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment, AM0014, to LB 44 in the Journal. No objections. So ordered.

AM0014
1. On page 2, line 1, after "sections" insert "50-501 to 50-520,".

Mr. Wesely asked unanimous consent to print the following amendment, AM0013, to LB 44 in the Journal. No objections. So

ordered.

AM0013
1. On page 2, line 1, after "sections" insert "71-507 to 71-515,".

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 274. Placed on General File as amended.
Corrected Standing Committee amendment to LB 274:
AM0093
1. On page 3, line 4, after the period insert "The individual appointed as a receiver for a nursing home shall be licensed by the State of Nebraska as a nursing home administrator or be a hospital administrator.".

(Signed) George Fenger, Chairperson

MOTION - Withdraw LB 242

Mr. Chambers renewed his pending motion found in the Journal on page 340 to withdraw LB 242.

The motion prevailed with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 58. Considered.

Mr. Lamb asked unanimous consent to withdraw his pending amendment found in the Journal on page 352. No objections. So ordered.

Mr. Lamb offered the following amendment:
AM0103
1. On page 10, line 3, after the underscored period insert "An existing out-of-state bank holding company as described in this section shall be allowed to own or control not more than five banks located in the State of Nebraska until January 1, 1985.".

Mr. Schmit moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Mr. Lamb requested a record vote on the Lamb amendment.

Voting in the affirmative, 17:

Abboud	Barrett	Beyer	Carsten	Clark
Goll	Hefner	Higgins	Johnson, L.	Kahle
Lamb	Lundy	Nichol	Peterson, R.	Remmers
Sieck	Wagner			

Voting in the negative, 26:

Beutler	Chronister	Cullan	DeCamp	Doyle
Eret	Fenger	Goodrich	Haberman	Hannibal
Hoagland	Jacobson	Kilgarin	Labedz	Landis
Morehead	Newell	Pappas	Peterson, H.	Pirsch
Rupp	Schmit	Vickers	Warner	Wesely
Wiitala				

Present and not voting, 2:

Chambers Von Minden

Excused and not voting, 4:

Fowler Johnson, R. Johnson, V. Marsh

The Lamb amendment lost with 17 ayes, 26 nays, 2 present and not voting, and 4 excused and not voting.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?"

Mr. H. Peterson moved for a Call of the House. The motion prevailed with 20 ayes, 19 nays, and 10 not voting.

The motion to cease debate lost with 21 ayes, 20 nays, and 8 not voting.

The Chair declared the Call raised.

MOTION - Escort Governor

Speaker Nichol moved that a committee of 5 be appointed to escort the Governor to the Chamber to deliver his State of the State and Budget Message.

The Chair appointed Messrs. Carsten, Hefner, Warner, Mesdames

Higgins, and Labedz to serve on said Committee.

The Committee returned and escorted Governor Robert Kerrey to the Rostrum where he delivered the following State of the State and Budget Address.

Mr. Speaker, Members of the Legislature, Ladies and Gentlemen,

All too often, I believe, we view budgets as morasses of figures and decimal points, completely divorced from the people and legitimate needs they serve. I characterize this budget as a symptom of and response to a series of pressing problems and needs. It is not accidental that the demands for various forms of public assistance have increased; the economy currently warrants those demands. It is not by coincidence that education requires more resources; the information explosion and a renewed commitment to serve special education students are but two reasons. It is not by some quirk of fate that agriculture needs assistance; it is by virtue of continually depressed commodity prices and vigorous domestic and international competition. It is not without reason that energy specialists call for funding; the spectre of energy dependence looms large. I could continue with this list. However, my point is simple. We must not allow ourselves to become frustrated with this budget's complexity. Great needs demand a commensurate response. And sometimes that response must be reflected in a budget.

While delivery of a budget message by the Governor of this State is prescribed, the form of the message is not. Today, I will depart from merely enumerating dry facts and figures. Although I cannot abide by the old speaking advice "Be brief and be seated", it is my hope that after this message you will have gained an understanding of the chronology of events culminated today, and the rationales behind them.

First, let me review the budget history which has led to current conditions. The original General Fund Budget proposed for fiscal year 82-83 was $756 million. During the 1982 regular session, and the November, 1982 special session, sweeping across-the-board reductions and one-time savings measures cut the budget to its present level: $718.3 million.

Last year, Nebraska had to supplement the General Fund using interfund borrowing to maintain a workable cash flow. Similarly, state employee salary increases - generally effective July 1 - were postponed until January 1, and capital construction expenditures were delayed until the next year.

In spite of these efforts, our revenue situation deteriorated. A number of plausible explanations exist, chief among them the failing health of the economy, federal tax cuts which slashed Nebraska's revenue base by over $100 million, and suspect economic assumptions by the previous administration leading to questionable financial planning.

Unfortunately, many of the actions taken were not in fact

reductions. They were merely stop-gap deferrals. These deferrals, in combination with the inception of new programs and unruly, uncontrollable growth in existing programs, presented my office with fiscal year 1983-84 commitments in excess of $810 million, excluding salary increases for state employees. The single largest new program was the proposed state takeover of County Welfare - amounting to an additional $22 million - slated for July 1st.

This was the revenue and budgetary situation which greeted my administration as I took office less than one month ago. It was a situation greatly changed from that which normally greets a new governor. Now, I want to familiarize you with the process we used to arrive at the conservative budget I present today.

The process, as I'm sure you will note, was not one of facile answers, easy maneuvers, or evasions. Instead, it was a process of learning, searching, and realistically evaluating. Aware of this task's magnitude, I selected a budget team of dedicated and hard-working individuals, each of whom contributed considerable knowledge and expertise.

We began this difficult and strenuous task immediately after the election. And, although we certainly approached the job with gusto, we did not, as the saying goes, "only go around once". We went around at my office, at the Department of Administrative Services, and at the Governor's Mansion. We met during the morning, afternoon, evenings, and weekends.

I began by looking at the revenue situation. The budget cutting action taken by the Legislature at the November special session was based on the assumption that the State Board of Equalization would set the income tax rate at 20% of Federal liability starting January 1, 1983.

As we know, the Board failed to set the income tax rate at 20% and failed as well to adopt one set of revenue projections which could guide us in clear, sound budgetary decision making.

My first directive to the new Tax Commissioner was to develop one set of revenue guidelines using the best professional judgement of the Department. It is upon these revenue estimates that I have based my recommendations to you today.

The 20% income tax rate assumed by the special session appears to me to be a ceiling above which we should not go. We cannot tax our way out of this problem. My budget recommendations are based on the passage of LB 59, which I support and which I will sign, and the maintenance of the current sales tax rate of 3 1/2%.

The revenue generated from these tax rates using the best professional judgement of the Department of Revenue is $748,853,241. The budget I present today will fit within these revenue constraints, assuming a June 30, 1983 unobligated balance of $13,962,000 and a limited number of cash lapses.

The job of revenue analysis does not end with the presentation of this budget, however. I have directed the Tax Commissioner to continually review and examine the economic trends in our State in

order to determine at the earliest point if actual revenue receipts will not meet these projections.

This is necessary because these revenue projections are based upon current economic conditions and the hope that our economy will be somewhat improved in 1983-84.

But we should be prepared for further deterioration. This is not a budget to build on; if anything I urge you to look for additional reductions.

The PIK program could adversely affect 1983 revenue. Farm income could stay low, and unemployment could get worse.

I am, therefore, asking that you do the following:

1. Extend the authority for Interfund borrowing to June 30, 1984.

2. Be prepared for further reductions in appropriations if our revenue declines sharply.

Looking at the budget side, we began after the special session by constructing a background, using in-depth briefings on each state agency and program. Conversant with information and cognizant that we were squarely facing a possible budget commitment of $810 million and realizing that Nebraskans will not accept a tax rate in excess of 20%, I set out to identify programs and services which could be cut back or cut out.

I must point out that I was guided in this matter by some very practical principles. To put it succuintly, easy is not necessarily better. The illusion of the relatively simple "across the board" method has been exhausted because it has not been able to withstand the acid test of reality.

With that philosophy in mind, lists of possible reductions were prepared by the Budget Office staff. The goal was to bring our 83-84 budget to a level which could be supported by a reasonable tax rate and realistic revenue projections. No item escaped review; no sources of ideas - inside and outside state government - went untouched.

After engaging in the schedule of meetings I mentioned earlier, the Budget Office staff and I again reviewed every agency, every request, and every funding level recommendation. In so doing, we achieved our goal. We brought the budget to a level which can be maintained by estimated available revenue and still provide for a modest salary increase to our State Employees.

This budget contains total appropriations of $746,997,608. The estimated revenue, after allowing a 3% reserve, is $748,853,241. This leaves $1,855,633 for funds to cover increased health insurance costs, claims against the state, "A" bills, and budget adjustments.

It is a lean budget; it is a realistic budget. It takes into account certain commitments and certain limitations. But most importantly, it is a forward-looking budget we can all live with. I am convinced that an austere budget today will accrue for us great benefits tomorrow.

To develop a supportable budget and to produce a salary increase required that we pare over $63 million from the $810 million base for fiscal year 1983-84.

I very must wanted to offer a full year pay increase to State Employees. As you know, a greater percentage increase could be achieved by delaying the effective date. However, this approach would only postpone the full funding until the next budget year. I was determined to locate funds for a salary increase which would go into effect July 1. I am still not completely satisfied, but I know I have recommended a fiscally prudent amount - an amount that will not present funding problems for the next budget year. We must recognize that secure jobs and salaries in the future hinge on the creation of financial security today.

Let me add that our State Employees possess skills and knowledge we cannot afford to lose. They make State Government work, with their dedication, professionalism, willingness to improve skills, and genuine desire to serve Nebraskans. We must encourage them to stay and persevere.

In my quest to trim 63 million from the budget I first examined programs which could achieve their goals or deliver their services without a separate staff or agency. For instance, the Forms Management Program can and will be implemented at the agency level. The State Safety Program can operate under the auspices of each agency, whose responsibility it is to provide safe working conditions. The Risk Management Program can and will be assigned to the Department of Administrative Services and the Department of Personnel. The newly-created Foster Care Review Board's responsibilities can be assumed by a responsive Department of Welfare. The Cancer Registry can be handled on a volunteer basis by our hospitals.

Second, I examined programs or forms of aid which are not based on an identified need standard. This review resulted in a call to eliminate the general Homestead exemption, aid to the Civil Air Patrol, and grasshopper control aid in the Department of Agriculture.

Third, I examined programs which might be practicable given improved economic conditions, but which cannot be accomplished under existing financial constraints. This entailed a review of the take-over of county welfare, new construction slated for the coming fiscal year, increasing state aid to schools, cities, and counties, issuance of new license plates, and general fund support for local school driver's education. My review took me even to small budget items like the gift shop in the State Capitol.

I discovered that it is impossible to fund state assumption of county welfare in the 83-84 budget year. Thus I am introducing legislation to defer such a take over for one year. Of course, we all realize that this move is only a hiatus and not a efficacious solution. Put briefly, we face a void in terms of funding this change. Simply increasing the sales and income tax is unacceptable as these moves would further erode Nebraska's ability to adequately support other obligations.

For these reasons, I am calling for the formation of a Special Task

Force to address the matter of funding this change. The task force will consist of representatives from this Legislature, County Government, the State Department of Welfare, and the general public. I will request that this task force develop a funding plan for LB 522 other than raising sales and income tax rates. This plan could be an amalgamation of additional state revenue, achieved through the closing of tax gaps identified by review of refund, exemption, and collection fees policies, and a reduction in state support for programs administered primarily at the county level. Such programs include community mental health, alcoholism, mental retardation, and aging services, as well as the county road program.

I will expect a report from this task force on or before March 15. If a reasonable, responsible funding plan has not been developed by that time, it may be necessary to seek repeal of LB 522. But let me emphasize that I will continue constructive efforts toward compromise which can make possible an equitable implementation of this transfer for all.

My review led me to a variety of other programs and projects.

I discovered that implementation of a new welfare computer system will have to wait until a more complete picture of long term costs as opposed to potential savings is available.

I found that field staff in revenue and economic development must be reduced, with more of these services being provided by central staff.

I found that 1983-84 is not the year for the Family Support Program. It will not be funded in the next budget year.

I found that the size of the Commission on the Status of Women should be reduced from 30 to 12, saving revenue, and bringing the Commission in line with the size of similar commissions.

I found that the State Wayside Areas should be supported by the Department of Roads rather than the Game and Parks Commission. These areas are used most frequently by the traveling public, and seldom as recreation areas.

And I support repealing the dedication of one cent of the cigarette tax for cancer research. Although important, this program must compete on its own worth with other needs rather than relying upon earmarking for its funding.

Finally, although this budget appears abstemious in its adjustments for aid to local governments and individuals, half of the total increase is in aid. I ask supporters of these programs to be patient and understanding. We need time to restore our state fiscal house to order without damaging vital state services. With cooperation, we will succeed.

Still, additional funds are provided in some cases. For example, I added over $7.5 million to pay the full FY 83-84 cost of the 5% salary increase made in January. Likewise, approximately $9 million was added for a 3.5% salary increase effective July 1. The Department of Education Budget was hiked $6 million to fulfill our commitment to special education students and over $1 million to serve wards of the

court. The penitentiary in Omaha will open at an additional cost of roughly $3 million. Public assistance in the Welfare Department will increase over $10 million. And a $1.0 million increase will be provided to Aid to Aging Programs.

Clearly, while all programs were thoroughly scrutinized, some received less money and some received more money. These are areas in which we have commitments to fulfill - in which we must at least maintain and, in some cases enhance, the quality of service. These priority areas include the Departments of Agriculture and Economic Development, Higher Education, Corrections, Special Education, Public Assistance, and such community based services as Aging.

In my inaugural address I indicated that economic development was a priority of this administration. In kind with other state economies, ours has been pinched by a national recession. At the same time, we are witnessing a realignment of the U.S. and the world economy. Other states and communities are responding with zeal as they launch competitive drives to attract vital new industries. Nebraska must respond with the same enthusiasm. The Arthur D. Little report to our Department of Economic Development suggests several priorities: We must establish that the manufacturing labor force is available in adquate numbers with adequate skills. We must statistically demonstrate our fine labor/management climate. We must illustrate for industry our productivity and strong state work ethic.

This budget can do much for economic development. To that end, we have concentrated funds on the industrial development division of our Department of Economic Development. To maintain our industrial development marketing effort, the deficiency bill will appropriate an additional $138,903 for FY 82-83. The 83-84 budget reallocates an additional $125,000 for this important budget program.

Also, this budget provides $50,000 for a Food Research Center, which can assist us in advancing the food processing industry in Nebraska.

We must also implement the Constitutional Amendment which allows special development financing for commercial developments in blighted areas. Additional legislative proposals will be forwarded to you by the end of this month as part of a legislative package designed to improve the state's economy.

One key to developing this plan is to put to work as soon as possible a new Director of Economic Development. As I have told the Economic Development Advisory Committee, we cannot delay in this matter. I sincerely hope that we will have a new director within 10 days, so that he can meet with Rob Raun, the Director of Agriculture; Paul Amen, the Director of Banking; and representatives of business, labor, and the University. We must begin a dialogue on proposals to move this state forward.

Building a trained workforce is key to any economic development plan. The Federal Jobs Partnership Training Act can assist us in our endeavors by forging a strong relationship between business,

government, labor, and education with a view to training and placing economically disadvantaged and dislocated workers.

It is also critical that we give attention to our corrections system. Continued growth in State prison populations has put a tremendous burden on existing facilities. The budget for corrections reflects this strain.

In addition to providing the necessary funds for food and utilities, we will this year see the new Minimum-Medium Security Facility in Omaha go into operation. The 240 new beds it houses will help alleviate overcrowding in other institutions. However, first year operating costs at the facility will add over 3 million dollars to this department's budget. We cannot ignore this need.

We have similarly assigned considerable importance to education in this state. Demands on our Technical Community Colleges, State Colleges, and University have increased in proportion to the information explosion and rapid rate of social change. This budget provides 9.1 million additional dollars for higher education, corresponding to a 5.8% increase to State Colleges, a 4.8% increase to the University, and a 4.3% increase to Technical Community Colleges. I think you realize that these increases, occuring in a very tight budget, represent my strong commitment to education. I have simultaneously called for a Budget increase of $6,341,575 for special education so that we can further our state reputation as a leader in innovative special education services to elementary and secondary school students.

We also have an abiding commitment to community based aging services. That commitment assumes even greater significance when we realize that the number of elderly in our population is increasing. We now seek ways to avoid costly institutionalization and to promote services which keep our elderly active and productive.

Last year, this Unicameral - to its credit - overwhelmingly passed landmark legislation for our elderly: LB 404. As a result, we have finally defined in Statute the structure for community senior citizen programs. State support for these services was increased last year and a goal of an additional $2 million for 83-84 was set. I had hoped to meet that goal but could not within the terms of this tight dubget. I have, however, included an additional $1 million for these services and I will ask Helen Boosalis, the next Director of the Department of Aging, to make optimal use of these monies.

There are still other areas which require a strong budgetary commitment. We are blessed with a bountiful natural resource base. We have developed those resources to build and maintain a strong agricultural economy. In 1966, for example, we irrigated 3.6 million acres in this state. In 1981, we irrigated nearly 8 million acres. Today, we rank third nationally in total irrigated acres.

Clearly, water development will continue to play a pivotal role in our economic development. There is a need, I believe, for additional irrigation projects. However, as the federal government shrugs its commitment to water resource development, the state must intervene

and fill the gap. We must carefully plan our water development, arrive at a proper course of action, and then move to fund and execute our plan.

Of course, water and soil conservation must be considered. Our natural resouce districts have made a substantial commitment in this regard, and our Institute of Agriculture and Natural Resources is a bold leader in conservation technology. Unfortunately, while the NRD's expend approximately $11 million every year on soil and water conservation, the State responds with only $1 million. I am asking that the Unicameral begin the address this disparity by providing an additional $400,000 to conservation practices for FY 1983-84.

This represents only a small step in the proper direction. We must prepare to commit still larger amounts during the next four years to the proper utilization and management of our precious natural resources. Our future may well depend upon that commitment.

Agriculture will be equally challenged in the next year, evidenced in part by the crisis now facing our sugar beet industry. At present, one of every four employed Nebraskans owes his or her job to agriculture - from Omaha to Scottsbluff; from the Missouri River to the Panhandle. That fact makes our obligation to agriculture even more cirtical.

The Nebraska Department of Agriculture will take an active role in shaping state agriculture policy. We have sufficient human and institutional resources to turn the 1980's into years of opportunity rather than defeat for all Nebraskans.

To that end, I will ask our Director of Agriculture to work closely with the commodity groups and the check off boards to develop our international markets and respond to national farm programs. The Director will work closely with the University and Agribusiness. He will be an important advisor on natural resource development and will work with the appropriate agencies and organizations in this area. In fact, this month I will send him to Washington to testify on the Federal Budget and make certain that Nebraska's agricultural concerns are heard.

Roads and capital construction warrant our consideration as well. To continue agricultural and economic development requires aggressive programs of road construction. I am therefore supporting the continuation of the road program anticipated when the variable gas tax was adopted in addition to utilizing increased federal aid gained by a 5" increase in the gas tax.

In terms of capital construction, we must maintain our existing buildings and upgrade older buildings with a view to greater energy efficiency. Thus I am requesting $2 million for the LB 309 Task Force, and proposing that $1 of the $2 million come from the severance tax. These monies will be used for building maintenance and energy conservation. Additionally, the capital construction budget contains $50,000 of state General Funds for regional veterinary school planning. Of course, we will need a firm federal commitment coupled with long-term regional support in order to proceed with this project.

As difficult economic times dictate, I have seen a need to increase dollars for public assistance through the Department of Welfare. We must ensure that the needs of the elderly, blind and disabled are met by the State Supplement Program, for example. We must guarantee that some 4,500 children receive treatment for crippling conditions through services for crippled children. Our responsibility to the recipients of public assistance must not be taken lightly. It is an obligation which must be met.

Finally, we must attend to the ever-present issue of our energy situation. We cannot become complacent, despite current supply gluts and price decreases. These are temporary. We cannot be deterred from our goal of energy independence founded on conservation of conventional sources and exploration of new alternatives.

My budget will reflect strong support for energy conservation. It is a potent weapon - and one we can strengthen through a variety of means. At the same time, we will continue to encourage exploration of new alternatives. Fortunately, much can be accomplished with the Solar Bank Grant, oil overcharge settlement money, and a reasonable appropriation.

Finally, be assured that this is an ongoing, dynamic budget process. I have already asked my agency directors to engage in further study of their programs so that additional proposals may be developed by April. Furthermore, on January 17th, I placed administrative restrictions on this years expenditures. There will be more administrative actions designed to restore public trust in this state's government. This government must earn public respect and support. We can accomplish that in part by spending every state dollar as if it were our own.

I will continue to review our efforts. When faced with a spending decision, I will ask the difficult but necessary questions:

Can we afford it?

Can we improve it?

Can we better utilize resources?

And I will persist in answering those questions for the next four years. It is my intention to invest public funds in those programs and services which deliver the maximum benefits to the maximum number of Nebraskans. That is a goal to which I am unequivocably committed.

As we begin this new phase of the budget process, I ask that you remember several things. First, our pledge to a specific service or program is not measured by the application of funds alone but by our desire to improve, maintain, and enhance using a variety of resources.

Our desire for this state's betterment can be demonstrated by advocacy - which costs virtually nothing but gains so much. We can speak out on behalf of the farmers and ranchers. We can speak out on behalf of those seeking employment. We can speak out for those who are strapped by high energy prices. We can be a voice for the disadvantaged. We can contribute our time, energy, and knowledge for the sake of improving life in this state. To paraphrase Samuel Johnson,

to do nothing is in every person's power; to do something for the good of all sets us apart.

Second, we have already made a start. I have asked for the suggestions of state employees as to how we may save dollars. I have asked Agency Heads to review their expenditures. I have implemented a $500 cost item review, a merit increase freeze, and a hiring review which must be completed before any job vacancy is filled. The task need not overwhelm us. We are already moving in the appropriate direction.

Third, this task will demand of all of us courage to act decisively, cooperation to achieve what is best for the state as a whole, and candor to view our economic condition realistically. As I scan the faces in this chamber today, I know that few individual's programs have been spared. I may well have reduced programs you consider vital. But I ask that we move on to the most important business of all - assisting the people of this state.

I strongly urge you to accept my premise of a 20% income tax rate. The public will not support more, and this budget is designed accordingly. I encourage you to develop a budget which stays within that tax rate. I am confident that this Legislature will approach the budget with courage, candor, and a spirit of cooperation. Our task now is to fix a smooth course for Nebraska's future.

The Committee escorted the Governor from the Chamber.

SPEAKER NICHOL PRESIDING

BILLS ON FIRST READING

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

LEGISLATIVE BILL 601. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT to make appropriations for the expenses of Nebraska State Government, including capital construction and capital construction reaffirmations and reappropriations, for the year ending June 30, 1984; to amend Laws 1982, Second Special Session, LB 1, sections 62, 64, 65, 67, 73, and 74, and Laws 1982, LB 761, sections 122, 123, and 128; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 602. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to make deficiency appropriations; to provide for transfer of certain funds; to amend Laws 1982, LB 756, section 1, Laws 1982, LB 761, sections 15, 22, 30, and 36, and Laws 1982, Second Special Session, LB 1, sections 3, 7, 11,

13, 15, 20, 25, 27, 29, 33, 35, 41, 47, 49, 57, 58, and 59; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 603. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to state administrative departments; to amend sections 81-174, 81-175, 81-177, 81-179, 81-181, 81-8,212, 81-8,220, 81-8,225, 81-8,226, 81-8,233, 81-8,236, 81-8,239, 81-8,239.01, and 81-8,239.03, Reissue Revised Statutes of Nebraska, 1943, and sections 11-201, 11-201.01, 11-202, 11-203, 44-1622, 44-1623, 44-1630, 48-194, 48-197, 48-1,103, 48-1,104, 48-1,107, 48-1,109, 60-1008, 81-173, and 81-178, Revised Statutes Supplement, 1982; to transfer the duties of the Risk Manager to the Department of Administrative Services or the State Claims Board as prescribed; to define a term; to place the Task Force for Building Renewal under the direction of the Department of Administrative Services; to provide the Director of Administrative Services with certain duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 604. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to public welfare; to amend Laws 1982, LB 522, section 45; to delay an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 605. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT to make an appropriation to provide for the payment of salaries of members of the Nebraska State Legislature, and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the period of July 1, 1983, to June 30, 1984; and to declare an emergency.

LEGISLATIVE BILL 606. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT to amend section 81-8,255, Reissue Revised Statutes of Nebraska, 1943, relating to public bodies; to change membership on a commission; to eliminate certain provisions relating to foster care; to eliminate an employee suggestion system; to eliminate a forms management program; to repeal the original section, and also sections 81-1162 to 81-1169, 81-1346 to 81-1348, and 81-1350 to 81-1354, Reissue Revised Statutes of Nebraska, 1943, and sections 43-1301 to 43-1318, Revised Statutes Supplement, 1982; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 607. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to funds; to amend section 81-1108.17, Reissue Revised Statutes of Nebraska, 1943, and sections 57-705, 79-1333, 84-609, and 84-611, Revised Statutes Supplement, 1982; to change distributions from the Severance Tax Fund; to modify provisions relating to payments to school districts; to change provisions relating to charges for certain state buildings and facilities; to extend authority for interfund transfers; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 608. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT to appropriate funds for the payment of the salaries of the officers of 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, 1984; and to declare an emergency.

LEGISLATIVE BILL 609. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT to amend section 60-311, Revised Statutes Supplement, 1982, relating to motor vehicles; to change provisions relating to the issuance and purchasing of license plates; and to repeal the original section.

LEGISLATIVE BILL 610. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT to amend sections 81-814.01 and 81-815.21 to 81-815.23, Reissue Revised Statutes of Nebraska, 1943, relating to the Game and Parks Commission; to change the use of a change cash fund; to transfer control of state wayside areas to the Department of Roads; to define a term; to harmonize provisions; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 66. Title read. Considered.

Standing Committee amendments, AM0034, found in the Journal on page 316 for the Fourteenth Day were adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

MR. CLARK PRESIDING

Advanced to E & R for Review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 134. Title read. Considered.

Standing Committee amendments, AM0019, found in the Journal on page 317 for the Fourteenth Day were adopted with 30 ayes, 1 nay, 17 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 143. Title read. Considered.

Standing Committee amendment, AM0030, found in the Journal on page 317 for the Fourteenth Day was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 144. Title read. Considered.

Standing Committee amendment, AM0031, found in the Journal on page 317 for the Fourteenth Day was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 155. Title read. Considered.

Standing Committee amendments, AM0033, found in the Journal on page 317 for the Fourteenth Day were adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Mr. Hoagland offered the following amendment:

P 4, line 27, by substituting "two" for "one" and, line 26, by substituting "(1) one year following" for "six months following (1)".

The Hoagland amendment was adopted with 25 ayes, 4 nays, 19 present and not voting, and 1 excused and not voting.

Mr. DeCamp offered the following amendment:

On pg 2, line 5, strike the word "or", and insert after the word household, "or business".

The DeCamp amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Mr. Abboud asked unanimous consent to be excused. No objections. So ordered.

ANNOUNCEMENT

Mr. Fowler announced the Nebraska Retirement Systems Committee will meet in Executive Session on Wednesday, February 2, 1983 at 11:00 a.m. in room 2102.

MESSAGE FROM THE GOVERNOR

January 25, 1983

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

Dear Senators:

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

Adjutant General, Major General Edward Binder
Director, Department of Administrative Services, Clifton A. Sexton, Jr.
Director, Department of Aeronautics, John Auer
Director, Department of Agriculture, Robert L. Raun
Director, Department of Banking and Finance, Paul Amen
Director, Department of Correctional Services, Charles Benson
State Fire Marshall, Wallace M. Barnett
Director, Department of Insurance, Michael J. Dugan
Commissioner, Department of Labor, Ron E. Sorensen
Director, Department of Motor Vehicles, Holly Jensen
Director, Department of Personnel, Forrest D. Chapman
Tax Commissioner, Department of Revenue, Donna Karnes
Director-State Engineer, Department of Roads, Lou Lamberty
Superintendent, Nebraska State Patrol, Colonel E. J. Kohmetscher
Director, Department of Public Welfare, Gina C. Dunning

Respectfully submitted,
(Signed) ROBERT KERREY
Governor

cc: Appointees
Accountability and Disclosure Commission
Department of Administrative Services

VISITORS

Visitors to the Chamber were Farida Ahmadi from Afghanistan and Thomas Gouttierre, director of UNO's Afghanistan Studies Center.

ADJOURNMENT

At 11:50 a.m., on a motion by Mr. Jacobson, the Legislature adjourned until 9:00 a.m., Wednesday, February 2, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTEENTH DAY - FEBRUARY 2, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 2, 1983

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Senator Goll.

ROLL CALL

The roll was called and all members were present except Mr. V. Johnson who was excused; and Messrs. Beutler, Chambers, R. Johnson, Schmit, Sieck, Warner, Wesely, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventeenth Day was approved.

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

LB 113	Monday, February 14, 1983	1:30 p.m.
LB 449	Monday, February 14, 1983	1:30 p.m.
LB 436	Monday, February 14, 1983	1:30 p.m.
LB 476	Tuesday, February 15, 1983	1:30 p.m.
LB 481	Tuesday, February 15, 1983	1:30 p.m.
LB 472	Tuesday, February 15, 1983	1:30 p.m.

(Signed) George Fenger, Chairperson

Urban Affairs

LB 451	Wednesday, February 9, 1983	1:30 p.m.
LB 281	Wednesday, February 9, 1983	1:30 p.m.
LB 308	Wednesday, February 9, 1983	1:30 p.m.

(Signed) Dave Newell, Chairperson

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 20. Placed on General File.
LEGISLATIVE BILL 30. Placed on General File.
LEGISLATIVE BILL 149. Placed on General File.

(Signed) Rex Haberman, Chairperson

Public Health and Welfare

LEGISLATIVE BILL 367. Placed on General File.
LEGISLATIVE BILL 401. Placed on General File.
LEGISLATIVE BILL 413. Placed on General File.

LEGISLATIVE BILL 87. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - AM0041.)

(Signed) George Fenger, Chairperson

MOTION - Re-refer LB 533

Mr. Haberman renewed his pending motion found in the Journal on page 319 to re-refer LB 533 from Education Committee to the Agriculture and Environment Committee.

Mr. Haberman asked unanimous consent to withdraw his pending motion. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 155. Considered.

Advanced to E & R for Review with 35 ayes, 1 nay, 4 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 177. Title read. Considered.

Advanced to E & R for Review with 35 ayes, 0 nays, 5 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 178. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

STANDING COMMITTEE REPORTS
Governnent, Military and Veterans Affairs

LEGISLATIVE BILL 65. Placed on General File as amended.
Standing Committee amendments to LB 65:
AM0102

1. On page 3, line 24, after "disclosed" insert "by the Public Counsel, his or her investigators, employees, or agents".

2. On page 8, line 3, strike "allocation" and insert "allegation"; and on lines 4 and 21 after "Counsel" insert "or provided information to the Public Counsel, his or her investigators, employees, or agents in conjunction with a preliminary or formal investigations undertaken pursuant to section 3 of this act".

LEGISLATIVE BILL 81. Placed on General File as amended.
Standing Committee amendments to LB 81:
AM0101

1. Strike original sections 2 and 3.
2. Insert a new section as follows:
"Sec. 2. That original section 23-1723, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

(Signed) David Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 182. Title read. Considered.

Standing Committee amendment, AM0035, found in the Journal on page 318 for the Fourteenth Day 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 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 188. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 1 nay, 12 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 197. Title read. Considered.

Mr. DeCamp offered the following amendment:
AM0113
1. On page 2, line 9, after "has" insert "on file or has".

The DeCamp amendment was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 111. Title read. Considered.

Standing Committee amendment, AM0036, found in the Journal on page 318 for the Fourteenth Day was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. DeCamp offered the following amendment:
AM0115
1. On page 4, line 13, after "state" insert "subject to a security interest as defined in subdivision (37) of section 1-201 of the Uniform Commercial Code".

Mr. Cullan asked unanimous consent to be excused. No objections. So ordered.

The DeCamp 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.

LEGISLATIVE BILL 60. Title read. Considered.

Standing Committee amendment, AM0040, found in the Journal on page 318 for the Fourteenth Day was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Doyle offered the following amendment:
In line .8, after the word "and" add:
"and where the decedent has not indicated contrary intent prior to his or her death."

The Doyle amendment lost with 12 ayes, 18 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 25 ayes, 11 nays, 9 present and not

voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

LB 230	Friday, February 11, 1983	1:30 p.m.
LB 522	Friday, February 11, 1983	1:30 p.m.
LB 295	Thursday, February 17, 1983	1:30 p.m.
LB 151	Friday, February 25, 1983	1:30 p.m.
LB 164	Friday, February 25, 1983	1:30 p.m.
LB 575	Friday, February 25, 1983	1:30 p.m.

(Signed) Elroy M. Hefner, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 66. Placed on Select File as amended.
E & R amendment to LB 66:
AM5001
1. On page 1, line 4, strike "and"; and in line 5, after "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 134. Placed on Select File.

LEGISLATIVE BILL 143. Placed on Select File as amended.
E & R amendment to LB 143:
AM5002
1. On page 1, line 3, strike "and"; and in line 4, after "section" insert "; and to declare an emergency.

LEGISLATIVE BILL 144. Placed on Select File as amended.
E & R amendment to LB 144:
AM5003
1. On page 1, line 4, strike the second "and"; and in line 5, after "section" insert "; and to declare an emergency.

(Signed) Rod Johnson, Chairperson

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 16. Indefinitely postponed.

(Signed) Steve Fowler, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. R. Peterson asked unanimous consent to be excused. No objections. So ordered.

MR. CLARK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 274. Title read. Considered.

Standing Committee amendment, AM0093, found in the Journal on page 354 for the Seventeenth Day was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 39. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 185. Title read. Considered.

Mr. Barrett moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Advanced to E & R for Review with 27 ayes, 8 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 248. Title read. Considered.

Standing Committee amendments, AM0050, found in the Journal on page 328 for the Fifteenth Day were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Barrett offered the following amendment:
AM0051

1. 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.".

The Barrett amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 249. Title read. Considered.

Standing Committee amendment, AM0052, found in the Journal on page 329 for the Fifteenth Day was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Nichol asked unanimous consent to be excused. No objections. So ordered.

Mr. Barrett requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 20:

Barrett	Chambers	Doyle	Eret	Fenger
Fowler	Goll	Hoagland	Jacobson	Kilgarin
Labedz	Landis	Marsh	Morehead	Newell
Pappas	Peterson, R.	Sieck	Vickers	Wesely

Voting in the negative, 20:

Abboud	Beyer	Carsten	Chronister	Clark
DeCamp	Goodrich	Hannibal	Hefner	Johnson, L.
Kahle	Lamb	Lundy	Peterson, H.	Pirsch
Remmers	Schmit	Von Minden	Wagner	Warner

Present and not voting, 3:

Beutler	Higgins	Rupp

Absent and not voting, 3:

Haberman	Johnson, R.	Wiitala

Excused and not voting, 3:

Cullan	Johnson, V.	Nichol

Failed to advanced to E & R for Review with 20 ayes, 20 nays, 3 present and not voting, 3 excused and not voting, and 3 absent and not voting.

LEGISLATIVE BILL 116. 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 52. 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.

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 274 in the Journal. No objections. So ordered.

Amend the Committee amendment to LB 274 by adding following "administrator" the language "or such person the court believes to be equally qualified."

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 69. Placed on General File.
LEGISLATIVE BILL 114. Placed on General File.

(Signed) John W. DeCamp, Chairperson

GENERAL FILE

LEGISLATIVE BILL 22. Title read. Considered.

Standing Committee amendment, AM0064, found in the Journal on page 331 for the Fifteenth Day was adopted with 31 ayes, 0 nays, 14 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 71. Title read. Considered.

Standing Committee amendments, AM0065, found in the Journal on page 332 for the Fifteenth 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 29 ayes, 0 nays, 16 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 52 in the Journal. No objections. So ordered.

Page 2, line 16, to change "one" to "two".

ADJOURNMENT

At 12:03 p.m., on a motion by Mrs. Labedz, the Legislature adjourned until 9:00 a.m., Thursday, February 3, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

NINETEENTH DAY - FEBRUARY 3, 1983

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 3, 1983

Pursuant to adjournment, the Legislature met at 9:03 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Father Steve Prodromides, The Annunciation Eastern Orthodox Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Sieck who was excused; and Messrs. Fowler, V. Johnson, Newell, Rupp, Miss Kilgarin, Mesdames Marsh, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighteenth Day was approved.

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 198	Wednesday, February 16, 1983	1:30 p.m.
LB 366	Wednesday, February 16, 1983	1:30 p.m.
LB 412	Wednesday, February 16, 1983	1:30 p.m.
LB 244	Thursday, February 17, 1983	1:30 p.m.
LB 406	Thursday, February 17, 1983	1:30 p.m.
LB 411	Thursday, February 17, 1983	1:30 p.m.
LB 503	Thursday, February 17, 1983	1:30 p.m.

(Signed) Loran Schmit, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 17

February 2, 1983

Dear Senator H. Peterson:

This is in reply to your inquiry which pertains to LB 46 of the Eighty-eighth Legislature, First Session (1983). In connection therewith you ask if this legislative bill were to become operative law "and parents receive poor test scores from their childrens teacher, and they continue to leave the child in the school, is there any way for the state to force the parents of children attending exempted schools to be more responsible consumers of education opportunities for their children?"

LB 46 would amend several statutes. For example, it would amend Neb.Rev.Stat. §79-201 (Reissue 1981), the compulsory school attendance statute, to provide that "For the purposes of the attendance requirements of this section, a weekday church educational ministry and a home study program shall be considered a private school." Section 1 of LB 46 states that a weekday church educational ministry "shall not be subject to the provisions of the Nebraska statutes relating to schools, teachers, and administrators or to any rules and regulations of the State Department of Education . . . unless there is a letter on file with the State Board of Education from the head of the school officially granting the department or board such power."

Section 5 of LB 46 makes it a duty of all parents who choose to enroll their children in a weekday church educational ministry which does not have a letter on file with the State Board of Education as specified in section 1 of this legislative bill, to enroll them in one which provides instruction at the elementary and secondary level in the common branches of learning.

It also provides that pupil achievement and competency shall be tested through the employment of nationally standardized achievement tests to be selected by the leadership of the weekday church educational ministry. In the event a child receives poor test scores on such a test, this legislative bill does not provide a way for the state to force the parents of such children "to be more responsible consumers of educational opportunities."

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 62. Placed on General File.
LEGISLATIVE BILL 203. Placed on General File.

LEGISLATIVE BILL 91. Indefinitely postponed.
LEGISLATIVE BILL 186. Indefinitely postponed.

(Signed) Tom Vickers, Chairperson

GENERAL FILE

LEGISLATIVE BILL 29. Title read. Considered.

Advanced to E & R for Review with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 162. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 163. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 50. Title read. Considered.

Mr. Von Minden offered the following amendment:
AM0141

1. Strike the original sections and insert the following new sections:

"Section 1. That section 39-6,131, Revised Statutes Supplement, 1982, be amended to read as follows:

39-6,131. Every solid rubber tire on a vehicle moved on any highway shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery. No tire on a vehicle moved on a highway shall have on its periphery any clock, stud, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that this prohibition shall not apply between October 1 and April 15 of each year when a permit has been obtained pursuant to section 39-6,131.03. ~~that (1) this prohibition shall not apply to (a) vehicles used for the public's safety, which shall include, but not be limited to, law enforcement,~~

~~fire, and other emergency vehicles, (b) vehicles driven by emergency medical personnel when necessary to their duties, (c) rural mail carrier vehicles used to deliver mail, and (d) vehicles which display license plates carrying the wheelchair symbol as provided in section 60-311.14, (2) it~~ Notwithstanding any other provision of sections 39-6,131 to 39-6,131.07, it shall be permissible to use (1) farm machinery with tires having protuberances which will not injure the highway, and ~~(3) it shall be permissible to use~~ (2) tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other condition tending to cause a vehicle to slide or skid without obtaining the permit or paying the fee pursuant to section 39-6,131.03. ~~The exceptions provided in subdivision (1) of this section shall only be applicable for such vehicles if the requirements of section 39-6,131.03 have been met.~~ The Department of Roads and local authorities in their respective jurisdictions may, in their discretion, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery.

Sec. 2. That section 39-6,131.02, Revised Statutes Supplement, 1982, be amended to read as follows:

39-6,131.02. ~~After August 31, 1980, each~~ Each person who sells new or used tires shall display, in the area where such tires are sold, a sign measuring not less than fourteen inches square which shall contain a notice in letters measuring at least one half inch in height. Such notice shall read as follows: Notice: The use of tires containing studs or spikes is prohibited in this state after ~~April 15, 1982~~ October 1, 1983, unless a permit is obtained.

Sec. 3. That section 39-6,131.03, Revised Statutes Supplement, 1982, be amended to read as follows:

39-6,131.03. (1) The Department of Roads, Maintenance Division, Carrier Enforcement and Permit Section shall provide permits ~~and stickers only~~ for those persons using or purchasing studded or spiked tires or sets of studs or spikes for vehicles. ~~which are excepted from the prohibition on studded or spiked tires, as provided in subdivision (1) of section 39-6,131.~~ Any person using or purchasing a studded or

spiked tire or a set of studs or spikes after ~~April 16, 1982~~ October 1, 1983, shall apply for a permit ~~and sticker~~ prior to the purchase or use of such tires. The application for a permit ~~and sticker~~ shall be made on forms prescribed by the department and accompanied by a ~~ten~~ twenty-five dollar fee for each vehicle which has one or more studded or spiked tires. The application and fee shall be sent to and the permit ~~and sticker~~ issued by the Department of Roads, Maintenance Division, Carrier Enforcement and Permit Section, or one of the Department of Road's field officers in the state. The ~~sticker~~ permit shall contain the license plate number of the vehicle and the date of the permit's issuance, and shall be displayed ~~in the vehicle's rear window so as to be readily visible to a law enforcement officer~~ as provided in section 39-6,131.04. All money collected by the Department of Roads, Maintenance Division, Carrier Enforcement and Permit Section pursuant to this section shall be transmitted and credited to the Highway Trust Fund.

(2) The permit ~~and sticker~~ shall be valid for one year from the date of issuance, and renewal ~~stickers and~~ permits shall be applied for and issued in the same manner as the original ~~sticker and~~ permit.

(3) No motor vehicle equipped with studded or spiked tires and licensed and registered in this state shall be driven upon the roads and highways of this state except between October 1 and April 15 of each year when the sticker required by section 39-6,131.04 is affixed to the vehicle's rear window in the designated location.

Sec. 4. That section 39-6,131.04, Revised Statutes Supplement, 1982, be amended to read as follows:

39-6,131.04. (1) The Department of Roads, Maintenance Division, Carrier Enforcement and Permit Section shall issue dealer permits to sellers or suppliers of studded or spiked tires throughout the state who apply to the department or one of its field offices to be authorized dealers of such tires. The department shall issue dealer permits to those dealers which meet the ~~meeting~~ standards set and published by the department and which submit a twenty-five dollar fee with their application. ~~Only authorized dealers shall be permitted to sell studded or spiked tires or sets of studs or spikes in this state. The authorized dealers shall sell or supply studded or spiked tires only to~~

~~those persons who own or use vehicles which qualify under subdivision (1) of section 39-6,131.~~ The Department of Roads, Maintenance Division, Carrier Enforcement and Permit Section shall provide each authorized dealer with a dealer permit indicating that it is an authorized dealer, and the dealer permit shall be prominently displayed in the place of business. ~~There shall be no fee for such dealer permits.~~

(2) The authorized dealer permit shall be valid for one year from the date of its issuance, and may be renewed in the similar manner as an original dealer permit is obtained.

(3) Only authorized dealers shall sell or supply studded or spiked tires or sets of studs or spikes in this state. Authorized dealers shall sell or supply studded or spiked tires or sets of studs or spikes only to those persons who display a valid permit issued by the Department of Roads, Maintenance Division, Carrier Enforcement and Permit Section authorizing the person to purchase or use such studded or spiked tires or set of studs or spikes.

(4) Each authorized dealer permitted to sell or supply studded or spiked tires in this state shall, upon presentment of a valid permit by the purchaser of such tires or person seeking to use such tires, affix a sticker issued by the Department of Roads, Maintenance Division, Carrier Enforcement and Permit Section to the rear window of the vehicle on which the purchaser or user is going to install studded or spiked tires. Such sticker shall contain the license plate number of the vehicle and the date of the issuance of the purchaser's or user's permit and shall be affixed in the rear window so as to be readily visible to a law enforcement officer.

Sec. 5. That section 39-6,131.05, Revised Statutes Supplement, 1982, be amended to read as follows:

39-6,131.05. The Department of Roads shall adopt and promulgate rules and regulations to provide for administering sections 39-6,131 to 39-6,131.04. ~~The Department of Roads shall require that emergency medical personnel upon request substantiate the need to use studded or other prohibited tires pursuant to subdivision (1) of section 39-6,131.~~

Sec. 6. This act shall become operative October 1, 1983, except that necessary action preparatory to its implementation may be taken prior to

such date.

Sec. 7. That original sections 39-6,131 and 39-6,131.02 to 39-6,131.05, Revised Statutes Supplement, 1982, are repealed.".

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mrs. Higgins requested a record vote on the Von Minden amendment.

Mr. Von Minden moved for a Call of the House. The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mrs. Labedz requested a roll call vote on the Von Minden amendment.

Voting in the affirmative, 25:

Barrett	Beutler	Beyer	Chambers	Clark
Doyle	Fowler	Hannibal	Hoagland	Johnson, R.
Johnson, V.	Kahle	Lamb	Landis	Lundy
Marsh	Morehead	Newell	Peterson, R.	Rupp
Vickers	Von Minden	Warner	Wesely	Wiitala

Voting in the negative, 22:

Abboud	Carsten	Chronister	Cullan	DeCamp
Eret	Fenger	Goll	Goodrich	Haberman
Hefner	Higgins	Jacobson	Johnson, L.	Kilgarin
Labedz	Nichol	Pappas	Peterson, H.	Remmers
Schmit	Wagner			

Excused and not voting, 2:

Pirsch Sieck

The Von Minden amendment was adopted with 25 ayes, 22 nays, and 2 excused and not voting.

STANDING COMMITTEE REPORT
Agriculture and Environment

The Agriculture and Environment Committee desires to report favorable upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Leonard Schaffer - Environmental Control Council

Voting aye: Senators Chronister, Eret, Pappas, Peterson, Pirsch, Remmers, and Haberman. Nay: None. Absent: Senator Wiitala.

(Signed) Rex Haberman, Chairperson

NOTICE OF COMMITTEE HEARINGS
Agricultural and Environment

LB 536	Thursday, February 10, 1983	1:30 p.m.
LB 539	Thursday, February 10, 1983	1:30 p.m.
LB 580	Thursday, February 10, 1983	1:30 p.m.
LB 339	Thursday, February 10, 1983	1:30 p.m.
LB 535	Friday, February 11, 1983	1:30 p.m.
LB 573	Friday, February 11, 1983	1:30 p.m.
LB 579	Friday, February 11, 1983	1:30 p.m.
LB 509	Friday, February 11, 1983	1:30 p.m.
LB 393	Friday, February 11, 1983	1:30 p.m.
LB 181	Thursday, February 17, 1983	1:30 p.m.
LB 566	Thursday, February 17, 1983	1:30 p.m.
LB 551	Thursday, February 17, 1983	1:30 p.m.

(Signed) Rex Haberman, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 19
February 1, 1983

Dear Senator V. Johnson:

You have pointed out to us that Neb.Rev.Stat. §77-1250 (Reissue 1981) distributes the tax on air flight equipment collected pursuant to §77-1249 to the counties for credit to the county general fund proportionate to the total actual valuation of each county. You point out that we successfully challenged in the District Court of Lancaster County a distribution of state aid proportionate to valuation of taxable property in the counties, and ask whether the distribution pursuant to §77-1250 is subject to the same attack. You ask this for the reason that if it is, you may submit an amendment to a pending bill to correct any constitutional infirmity.

It is difficult to give you a categorical answer to your question, as there is very little precedent to guide us except the district court case you referred to, State ex rel. Douglas v. Stevenson, and the case of State ex rel. Douglas v. Marsh, 207 Neb. 598, 300 N.W.2d 181 (1980). Marsh established that formulas for granting state aid to political subdivisions

must have some rational justification, and cannot be wholly arbitrary and unreasonable. The district court in Stevenson held that a formula for distributing such aid proportionate to assessed valuations operated to give the most aid to counties needing it least, and was irrational.

However, the distribution we are concerned with is not state aid, and that may make a crucial difference.

The standard rule with respect to classification is that in order for it to be valid, it must be based upon some reason of public policy, some substantial difference of situation or circumstances, that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified. See, City of Scottsbluff v. Tiemann, 185 Neb. 256, 175 N.W.2d 74 (1970). When state money, which has been raised by taxation, is to be distributed to aid political subdivisions, this, in our opinion, requires either that it be based on the proportionate needs of the various political subdivisions, or upon their entitlement to it because of their contributions to the state coffers. Various attempts to measure need have been used, the simplest of which is probably population. Losses suffered by reason of exemptions is another. In some states, state aid has been used to return state money to its source, as, for example, measuring state aid by the income tax or sales tax collected in the various counties.

Here, however, we are not dealing with state aid. Neb.Rev.Stat. §§77-1247 to 77-1250 (Reissue 1981) deal with the taxation of the flight equipment of air carriers. As we understand it, "flight equipment" means airplanes of air carriers which fly in this and other states, so that they do not have permanent situs in this state, which would give the taxing entities of that situs authority to tax the planes at their full value.

The case of Mid-Continent Airlines v. State Board of Equalization and Assessment, 157 Neb. 425, 59 N.W.2d 746 (1953) held that in the situation where a fleet of planes had no taxable situs in any one state where the full value could be taxed, each state in which the planes land and engage in interstate business could tax a part of their value. This is what §§77-1247 to 77-1250 do.

The problem is what rate of tax to apply, and what to do with the proceeds. The state itself, of course, cannot levy a property tax for state purposes. The proceeds of the tax must go to its political subdivisions.

Presumably, the statute could simply assign a proportion of the value allocated to Nebraska to the airports at which the planes land, the proportion to be based upon the number of landings, revenue generated, or some such basis. The taxing entities having jurisdiction over such airports could then apply their levies to the values assigned. However, the Legislature obviously felt that, since the air carriers serve the entire state, it would be unfair to assign all of the value to the situs of the few airports, and felt that this additional value should be spread around the entire state.

The problem then remained of how this additional value should be allocated, and what rate of tax should be applied. To assign a part of the value to all the taxing entities in the state would mean that every carrier

would be subject to the hundreds of levies made in the state, and would have to pay taxes in all 93 counties. The Legislature therefore provided that the Tax Commissioner should calculate an average mill levy, and collect it from the carriers.

Then, how should it be distributed? This is, essentially, simply additional taxable value allocated to the state. It could be allocated on a number of different bases, including population or taxes levied. However, to assign additional taxable value in proportion to the taxable value of other property in the taxing entity does not appear to us to be wholly irrational. This is what has been done, although, of course, the mill levy applied is the average mill levy, rather than the mill levy of each county.

The Legislature has broad discretion in these matters, and the court will not interfere unless the discretion has been exercised in a wholly irrational manner. It does not appear to us to have been so exercised in this situation, and we believe we can successfully defend the distribution formula involved.

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

RHG:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature

The Chair declared the Call raised.

GENERAL FILE

LEGISLATIVE BILL 58. Considered.

Mr. Clark offered the following amendment:
1. Delete section 2 of the bill; renumber remaining sections accordingly.
2. Page 10, Line 16, delete "8-903".

Mr. DeCamp requested a ruling of the Chair on whether the Clark amendment is germane to the bill.

The Chair ruled the amendment not germane to the bill.

Mr. Hefner offered the following amendment:
1. Delete section 3 of the bill; renumber the remaining sections accordingly.

Mr. Hefner moved for a Call of the House. The motion prevailed with

30 ayes, 0 nays, and 19 not voting.

Mr. Hefner requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Barrett	Beyer	Carsten	Chronister	Clark
Goll	Hefner	Higgins	Jacobson	Johnson, L.
Kahle	Lamb	Lundy	Nichol	Peterson, R.
Remmers	Rupp	Vickers	Von Minden	Wagner

Voting in the negative, 25:

Abboud	Beutler	Cullan	DeCamp	Eret
Fenger	Fowler	Goodrich	Haberman	Hannibal
Hoagland	Johnson, R.	Johnson, V.	Kilgarin	Labedz
Landis	Marsh	Morehead	Newell	Pappas
Peterson, H.	Schmit	Warner	Wesely	Wiitala

Present and not voting, 2:

Chambers Doyle

Excused and not voting, 2:

Pirsch Sieck

The Hefner amendment lost with 20 ayes, 25 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. V. Johnson moved the previous question. The question is, "Shall the debate now close?"

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 23 ayes, 14 nays, and 12 not voting.

The motion to cease debate prevailed with 25 ayes, 14 nays, 10 present and not voting, and 2 excused and not voting.

Mr. Haberman requested a record vote on the advancement of the bill.

Voting in the affirmative, 27 :

Abboud	Beutler	Cullan	DeCamp	Eret
Fenger	Fowler	Goodrich	Haberman	Hannibal
Hoagland	Jacobson	Johnson, V.	Kilgarin	Labedz

Landis	Lundy	Marsh	Morehead	Newell
Pappas	Peterson, H.	Schmit	Vickers	Warner
Wesely	Wiitala			

Voting in the negative, 16:

Barrett	Beyer	Carsten	Clark	Goll
Hefner	Higgins	Johnson, L.	Kahle	Lamb
Nichol	Peterson, R.	Remmers	Rupp	Von Minden
Wagner				

Present and not voting, 4:

Chambers	Chronister	Doyle	Johnson, R.

Excused and not voting, 2:

Pirsch	Sieck

Advanced to E & R for Review with 27 ayes, 16 nays, 4 present and not voting, and 2 excused and not voting.

ANNOUNCEMENT

Mr. Fowler announced the Nebraska Retirement Systems Committee will meet in Executive Session on Friday, February 4, 1983, at 11:30 a.m., in Room 2102 of the State Capitol.

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 201. Placed on General File.

LEGISLATIVE BILL 488. Placed on General File as amended.
Standing Committee amendments to LB 488:
AM0096

1. Strike original sections 2 and 3 and insert the following new sections:

"Sec. 2. Any annuity paid on or after the operative date of this act to a member who retired prior to February 21, 1982, pursuant to sections 79-1032 to 79-1060, or to such member's beneficiary, or to a person who retired under the provisions of the retirement system established in Chapter 79, article 10, in effect prior to September 1, 1951, or to such person's beneficiary, shall be adjusted by the increase in the cost-of-living or wage levels between the effective date of retirement and June 30, 1983, except that such

increase shall not exceed the sum of one dollar and fifty cents per month for each year of creditable service and one dollar per month for each completed year of retirement as measured from the effective date of retirement to June 30, 1983. No separate adjustment in such annuity shall be made as a result of the changes made in section 79-1056 puruant to this act. If a joint and survivor annuity was elected, the increase shall be actuarially adjusted so that the joint and survivor annuity remains the actuarial equivalent of the life annuity otherwise payable.

Sec. 4. This act shall become operative on September 1, 1983.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Renumber original section 4 as section 3.

(Signed) Steve Fowler, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 155. Placed on Select File as amended.
E & R amendments to LB 155:
AM5004

1. On page 1, line 3, strike "and"; and in line 4, after "limitations" insert "; and to declare an emergency".

2. Because of the DeCamp amendment, on page 2, line 5, after "household" insert a comma.

3. On page 3, line 12, strike "reasonabale" and insert "reasonable".

4. Because of the Hoagland amendment, on page 4, line 26, before "expiration" insert "the"; and in line 27, strike "year" and insert "years".

LEGISLATIVE BILL 177. Placed on Select File.
LEGISLATIVE BILL 178. Placed on Select File.
LEGISLATIVE BILL 182. Placed on Select File.
LEGISLATIVE BILL 188. Placed on Select File.

LEGISLATIVE BILL 197. Placed on Select File as amended.
E & R amendment to LB 197:
AM5005

1. On page 2, line 9, strike "; provided" and insert "if"; and in line 10 strike "that".

LEGISLATIVE BILL 111. Placed on Select File as amended.
E & R amendment to LB 111:
AM5006
1. In the DeCamp amendments, page 1, line 2, before "subject" insert a comma; in line 3, strike "of the" and insert a comma; and in line 4 after "Code" insert a comma.

LEGISLATIVE BILL 60. Placed on Select File as amended.
E & R amendment to LB 60:
AM5007
1. On page 1, line 2, strike "the cornea" and insert "eye tissue".

(Signed) Rod Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 50. Considered.

Advanced to E & R for Review with 29 ayes, 3 nays, 15 present and not voting, and 2 excused and not voting.

ANNOUNCEMENT

Mr. V. Johnson announced there will be an Executive Board meeting February 4, 1983, at 11:00 a.m. in Room 2102 of the State Capitol to reference bills 601 through 610, and the gubernatorial appointments.

VISITORS

Visitors to the Chamber were Jim Burnett, Barry Swedler, Roger Bolton of the National Transportation Safety Board, Washington D.C.

ADJOURNMENT

At 11:47 a.m., on a motion by Mr. Hannibal, the Legislature adjourned until 9:00 a.m., Friday, February 4, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTIETH DAY - FEBRUARY 4, 1983

LEGISLATIVE JOURNAL

TWENTIETH DAY - FEBRUARY 4, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 4, 1983

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Julie Shreve Wilkins, Interim Associate Pastor, First Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Newell who was excused; and Messrs. Doyle, Fowler, Haberman, R. Johnson, Lamb, Rupp, Warner, Wesely, Mesdames Higgins, Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Nineteenth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 274. Placed on Select File as amended.
E & R amendments to LB 274:
AM5008
1. On page 2, line 2, after the comma insert "(1)" and after "Health" insert "and (2) director shall mean the Director of Health".
2. On page 6, line 1 after "to" insert a comma.

LEGISLATIVE BILL 39. Placed on Select File.
LEGISLATIVE BILL 185. Placed on Select File.

LEGISLATIVE BILL 248. Placed on Select File as amended.
E & R amendments to LB 248:

AM5009
1. On page 1, line 9, strike "and"; and in line 10, after "sections" insert "; and to declare an emergency".
2. On page 13, line 19, after "club" insert an underscored comma.
3. On page 15, line 23, after "consumption" insert "<u>;</u>".

LEGISLATIVE BILL 116. Placed on Select File.
LEGISLATIVE BILL 52. Placed on Select File.

(Signed) Rod Johnson, Chairperson

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 135. Placed on General File.
LEGISLATIVE BILL 291. Placed on General File.

(Signed) Dave Newell, Chairperson

Revenue

LEGISLATIVE BILL 59. Placed on General File as amended.
Standing Committee amendment to LB 59:
AM0148
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 421. Placed on General File as amended.
Standing Committee amendments to LB 421:
AM0147
1. On page 4, line 4, after "1934" insert "<u>, except that such a dealer may act as a paying agent or registrar only with respect to warrants or an issue of bonds maturing within five years from the date of issuance</u>".
2. On page 12, line 21, after the underscored period insert "<u>All bonds issued under the provisions of this section shall, on their face, contain a clause that the county, village, or city, except metropolitan and primary class cities, issuing such bonds shall have the right to redeem such bonds at the expiration of five years from the date of the issuance thereof.</u>".

LEGISLATIVE BILL 89. Indefinitely postponed.
LEGISLATIVE BILL 102. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

Judiciary

LEGISLATIVE BILL 107. Placed on General File as amended.
Standing Committee amendments to LB 107:
AM0144

1. On page 2, line 16, strike "court" and insert "party seeking confirmation of sale"; and in line 19 strike "sent" and insert "given by certified mailing".

2. On page 3, lines 16 to 20, strike the new matter and insert "Upon application to the court by the judgment debtor within sixty days of the confirmation of any sale confirmed pursuant to this section, such sale shall be set aside if the court finds that the party seeking confirmation of sale failed to provide notice to the judgment debtor regarding homestead exemption procedures at least ten days prior to the confirmation of sale as required by this section.".

LEGISLATIVE BILL 110. Placed on General File as amended.
Standing Committee amendments to LB 110:
AM0145

1. On page 2, line 4, strike "or misdemeanor" and insert "or when a defendant is charged with a misdemeanor or a violation of a city or village ordinance for which imprisonment is a possible penalty".

2. On page 4, line 12, strike "or misdemeanor"; and in line 13 after "prosecution" insert "or any prosecution for a misdemeanor or a violation of a city or village ordinance for which imprisonment is a possible penalty,".

3. On page 6, lines 3, 12, 15, and 17, strike "attorney", show as stricken, and insert "authority".

4. On page 7, line 3, strike "attorney", show as stricken, and insert "authority".

(Signed) Chris Beutler, Chairperson

REPORT

Received 1983 Plan developed by the Nebraska Administrative Advisory Committee for Older Nebraskans in compliance with the Older Nebraskans Act.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 279. Indefinitely postponed.

(Signed) Bill Barrett, Chairperson

Public Health and Welfare

LEGISLATIVE BILL 439. Placed on General File.

LEGISLATIVE BILL 414. Placed on General File as amended.
Standing Committee amendments to LB 414:
AM0110

1. On page 3, strike beginning with "(c)" in line 17 through the period in line 21 and show the old matter as stricken.

LEGISLATIVE BILL 497. Placed on General File as amended.
Standing Committee amendments to LB 497:
AM0122

1. On page 3, strike lines 13 through 16 and show as stricken.

LEGISLATIVE BILL 542. Placed on General File as amended.
Standing Committee amendments to LB 542:
AM0017

1. Insert the following new section:

Section 1. That section 71-3708, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3708. (1) The members of the board shall organize as soon as appointed, and annually thereafter in the month of April shall elect from their number a chairperson, vice-chairperson, and a secretary. The secretary shall continue in office at the pleasure of the board.

(2) The board shall make such rules as are necessary to carry out the provisions of sections 71-3701 to 71-3715.

(3) The board shall hold at least one meeting each year to review and evaluate applications for registration as sanitarians and sanitarians-in-training, conduct examinations, review and approve all bills, prepare and approve reports, and transact all other business as may be necessary to carry out the provisions of sections 71-3701 to 71-3715. Only board members shall be entitled to vote at board meetings.

(4) The board shall issue certificates of registration to applicants who have been found qualified as sanitarians or sanitarians-in-training, to which certificate the official seal of the board has been affixed.

(5) Three members of the board shall constitute a quorum and special meetings of the board shall be called by the secretary upon written request of any two members of the board, or upon a written request signed by ten registered sanitarians.

(6) All board meetings shall be open to any registered sanitarian.

(7) The secretary of the board shall transmit any and all funds received by the board to the Department of Health, Bureau of Examining Boards. Such funds shall be remitted to the State Treasurer and by him or her be credited to a fund to be known as Board of Registration for Sanitarians Fund. All expenses of the board shall be paid from the fund by voucher signed by the chief of the Bureau of Examining Boards and no part of the General Fund shall be expended for this purpose.

(8) Funds collected under the provisions of sections 71-3701 to 71-3715 shall be used to pay expenses. All expenses certified by the board as properly and necessarily incurred in the discharge of duties including authorized compensation and clerical help, and any expenses incident to the administration of such sections relating to other states, shall be paid out of such funds. Any surplus at the end of the fiscal year or biennium shall be retained by the board for future expenditures.

(9) The Board of Registration for Sanitarians shall receive all registration renewal funds above the necessary operating expenses incurred by the Department of Health, Bureau of Examining Boards, for annual renewal of registration. ~~This expense shall not exceed three dollars and fifty cents per registered sanitarian.~~

2. On page 3, line 16, strike "two" and insert "~~two~~ five" and strike "ten" and insert "~~ten~~ twenty-five".

3. On page 6, line 2, strike "71-3709 and and insert "71-3708 to".

4. Renumber original sections 1 to 3 as sections 2 to 4.

(Signed) George Fenger, Chairperson

MOTION - Approve Appointment

Mr. Haberman moved the adoption of the report of the Agriculture and Environment Committee for the following Governor appointment found in the Journal on page 386: Leonard Schaffer, Environmental Control Council.

Voting in the affirmative, 33:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Goodrich	Hannibal	Hefner	Hoagland
Johnson, L.	Kahle	Kilgarin	Landis	Lundy
Marsh	Morehead	Nichol	Pappas	Peterson, H.
Peterson, R.	Remmers	Sieck	Vickers	Von Minden
Wagner	Wesely	Wiitala		

Voting in the negative, 0.

Present and not voting, 6:

Chambers	Goll	Haberman	Jacobson	Johnson, V.
Schmit				

Excused and not voting, 10:

Doyle	Fowler	Higgins	Johnson, R.	Labedz
Lamb	Newell	Pirsch	Rupp	Warner

The appointment was confirmed with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 138. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 139. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 88. Title read. Considered.

Standing Committee amendment, AM0011, found in the Journal on

page 333 for the Fifteenth Day was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 101. Title read. Considered.

Standing Committee amendment, AM0071, found in the Journal on page 335 for the Sixteenth Day was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 193. Title read. Considered.

Standing Committee amendments, AM0072, found in the Journal on page 335 for the Sixteenth Day 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 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 196. Mr. Carsten requested to pass over.

LEGISLATIVE BILL 245. Title read. Considered.

Standing Committee amendments, AM0076, found in the Journal on page 336 for the Sixteenth Day were adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

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 3, 1983. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Anderson, Dorothy C. - Lincoln, Nebraska Republican Party
Apking, Sharon - Alexandria, Small Schools Association
Beattie, J. Gerald - Lincoln, Nebraska Farm Bureau Federation
Brakenhoff, Loren - Lincoln, Coin Operated Industries of Nebraska
Brummond, Naomi - Lincoln, Nebraska Farm Bureau Federation
Cripe, James - Papillion, Papillion-LaVista School District
Cutshall, Bruce A. - Lincoln, Nelson & Harding
Dodge, Michael G. - Lincoln, Nebraska Emergency Medical Technician Association
Edwards, Raymond E. - Des Moines, IA, Deere & Company
Gerraughty, Robert J. - Omaha, Creighton University
Green, John K. - Omaha, Papillion-LaVista School District
Kelley, Michael - Omaha, Nebraska Land Title Association; Schmit Industries, Inc.
Ludtke, David A. - Lincoln, Sky Park
Mekeon, Robert L. - Omaha, Motor Club Insurance Association
Parker, David R. - Lincoln, Donnelley Marketing Data Processing Operations
Scarpello, Sam M. - Omaha, Nebraska State Electrical Council
Solem, Calvin C. - Omaha, Nebraska Building Chapter Associated General Contractors
Tews & Radcliffe:
Radcliffe, Walter H. - Lincoln, John Deere Company

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment, AM00116, to LB 435 in the Journal. No objections. So ordered.

AM00116

1. Insert the following new section:
"Section 1. That section 44-1067, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
44-1067. Every fraternal benefit society organized or licensed under sections 44-1001 to 44-1071 is hereby declared to be a charitable and benevolent institution, and all of its funds shall be exempt from all and every state, county, district, municipal, and school tax, other than taxes on real estate, ~~and~~ office equipment, and gross insurance premiums prescribed in sections 77-907 to 77-914.".
2. On page 2, line 22, strike "Self insurance" and insert "Self-insurance".
3. On page 3, line 1, strike "except fraternal beneficiary associations," and show as stricken; in lines 5 and 27 strike "self insurance" and

insert "self-insurance; and strike beginning with the comma in line 22 through the first comma in line 23 and show as stricken.

4. On page 4, line 16, after "sections" insert "44-1067,".

5. Renumber original sections 1 to 4 as sections 2 to 5 respectively.

GENERAL FILE

LEGISLATIVE BILL 11. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 23. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 33. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 36. 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 191. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 10. Title read. Considered.

Standing Committee amendment, AM0080, found in the Journal on page 339 for the Sixteenth Day was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Mr. Kahle asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 15. Title read. Considered.

Standing Committee amendment, AM0081, found in Journal on page 339 for the Sixteenth Day was adopted with 29 ayes, 1 nay, 17 present and not voting, and 2 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 31 ayes, 1 nay, 14 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

LB 31	Thursday, February 24, 1983	1:30 p.m.
LB 214	Thursday, February 24, 1983	1:30 p.m.
LB 479	Thursday, February 24, 1983	1:30 p.m.
LB 407	Friday, March 4, 1983	1:30 p.m.
LB 408	Friday, March 4, 1983	1:30 p.m.
LB 28	Thursday, March 10, 1983	1:30 p.m.
LB 229	Thursday, March 10, 1983	1:30 p.m.
LB 564	Thursday, March 17, 1983	1:30 p.m.
LB 427	Friday, March 18, 1983	1:30 p.m.

(Signed) Elroy M. Hefner, Chairperson

GENERAL FILE

LEGISLATIVE BILL 21. Title read. Considered.

Standing Committee amendments, AM0082, found in the Journal on page 339 for the Sixteenth Day were adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 454 in the Journal. No objections. So ordered.

1. On line 6, strike the comma and insert a period.
2. Strike all of lines 7 through "in" in line 12 and insert "In".
3. Strike the new matter in line 13.
4. Strike from "not" in line 14 through "year" in line 15 and insert "be any amount agreed to by the parties".
5. In line 16, strike "charging" through "section".

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 92. Indefinitely postponed.

(Signed) Elroy M. Hefner, Chairperson

GENERAL FILE

LEGISLATIVE BILL 37. Title read. Considered.

Standing Committee amendment, AM0083, found in the Journal on page 340 for the Sixteenth Day was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

The members of the Executive Board asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 262. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 40. Title read. Considered.

Mr. Clark asked unanimous consent to be excused. No objections. So ordered.

Standing Committee amendments, AM0059, found in the Journal on page 341 for the Sixteenth Day were considered.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 12 nays, and 21 not voting.

Mr. Beutler moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Beutler requested a roll call vote on the Standing Committee amendments.

Voting in the affirmative, 20:

Abboud	Barrett	Beutler	Beyer	Chronister
Cullan	Fenger	Haberman	Jacobson	Landis
Lundy	Morehead	Nichol	Peterson, R.	Pirsch
Remmers	Schmit	Sieck	Von Minden	Warner

Voting in the negative, 22:

Carsten	Chambers	Doyle	Eret	Fowler
Goodrich	Hannibal	Higgins	Hoagland	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Marsh	Pappas	Peterson, H.	Rupp
Wesely	Wiitala			

Present and not voting, 2:

Goll Vickers

Absent and not voting, 3:

DeCamp Hefner Wagner

Excused and not voting, 2:

Clark Newell

The Standing Committee amendments lost with 20 ayes, 22 nays, 2 present and not voting, 3 absent and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 24. Placed on General File as amended.
Standing Committee amendment to LB 24:
AM0161

1. On page 2, line 6, strike "or", show as stricken, and insert an underscored comma; in line 7 after "lot" insert ", or passage used by livestock to pass under any highway, road, or bridge"; and in line 11 after the period insert: "This section shall not prohibit duly authorized personnel of any county, city, or village health or animal control department from trapping with a humane live box trap or pursuing any

form of wild mammal or wild bird, when conducting such activities within the scope of the authorization, within such radius if the area is under the jurisdiction of the county, city, or village.".

LEGISLATIVE BILL 75. Placed on General File as amended.
Standing Committee amendment to LB 75:
AM0159

1. On page 2, line 23, strike "shall" and insert "may".

LEGISLATIVE BILL 199. Placed on General File as amended.
Standing Committee amendments to LB 199:
AM0160

1. On page 2, line 19, after the period insert "Such a permit shall be required for entry at any time of the year.".

2. Insert the following new section:

"Sec. 2. That Section 37-1109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-1109. The commission shall evaluate the areas of the Nebraska state park system and designate those areas, or portions of areas, for which a permit shall be required. The commission shall periodically reevaluate the Nebraska state park system and designate additional permit areas or reclassify permit areas as nonpermit areas as conditions and public use warrant. ~~The commission may designate the dates for which a permit shall be required for any permit area.~~"

3. On page 3, line 5, after "37-1105" insert ", 37-1109,".

4. Renumber remaining sections accordingly.

(Signed) Bernice Labedz, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 22. Placed on Select File as amended.
E & R amendments to LB 22:
AM5010

1. On page 2, line 10, strike "provided that" and insert "if".

2. On page 12, line 7, strike "ordiance" and insert "ordinance".

LEGISLATIVE BILL 71. Placed on Select File as amended.

E & R amendments to LB 71:
AM5011
1. On page 1, line 1, strike "of" through "class"; in line 5, after "18-1306," insert "18-2101.01,"; in line 6, after the semicolon insert "to state legislative findings;"; and in line 8 after the first semicolon insert "to change provisions relating to community development agencies;".
2. On page 16, line 13, before "Reissue" insert a comma.
3. In the Standing Committee amendments, page 1, line 6, after "declared" insert "to exist".

LEGISLATIVE BILL 29. Placed on Select File.
LEGISLATIVE BILL 162. Placed on Select File.
LEGISLATIVE BILL 163. Placed on Select File.

(Signed) Rod Johnson, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 601 - 610.

LB	Committee
601	Appropriations
602	Appropriations
603	Banking, Commerce and Insurance
604	Revenue
605	Appropriations
606	Government, Military and Veterans Affairs
607	Appropriations
608	Appropriations
609	Public Works
610	Constitutional Revision and Recreation

The Legislative Council Executive Board hereby submits the attached Reference Report No. III, IV and V, Governor's Appointments, which was approved by the Board on January 31, 1983.

Education
Jerry Koch - Board of Educational Lands and Funds

Constitutional Revision and Recreation
Dr. Timothy J. Biga - Game and Parks Commission
Neal Keller - Game and Parks Commission

Government, Military and Veterans Affairs

Major General Edward Binder - Adjutant General
Clifton A. Sexton, Jr. - Director, Department of Administrative Services
John Auer, Director, Department of Aeronautics
Wallace M. Barnett - State Fire Marshal
Forrest D. Chapman, Director, Department of Personnel

Agriculture and Environment
Robert L. Raun - Director, Department of Agriculture

Judiciary
Charles Benson, Director, Department of Correctional Services
Col. D. J. Kohmetscher - Sup't NE State Patrol

Public Health and Welfare
Ron Cope - Advisory Committee on Public Welfare, Institutions and Corrections
Gina C. Dunning - Director, Department of Public Welfare

Business and Labor
Ron E. Sorensen, Commissioner, Department of Labor

Public Works
John Crowley - Power Review Board
Holly Jensen - Director, Department of Motor Vehicles
Lou Lamberty - Director-State Engineer, Department of Roads
Terrence D. Malcom - Oil and Gas Conservation Commission

Revenue
Donna Karnes - Tax Commissioner, Department of Revenue

Banking, Commerce and Insurance
Michael J. Dugan - Director, Department of Insurance
Paul Amen - Director, Department of Banking and Finance

VISITORS

Visitor to the Chamber was Penny Yekel from Scottsbluff.

ADJOURNMENT

At 12:12 p.m., on a motion by Mr. Chronister, the Legislature adjourned until 10:00 a.m., Monday, February 7, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIRST DAY - FEBRUARY 7, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 7, 1983

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

PRAYER

The prayer was offered by Dr. Al Norden, Pastor Emeritus, University Lutheran Chapel, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Fowler and Goodrich who were excused; and Messrs. Cullan and V. Johnson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twentieth Day was approved.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 179. Placed on General File as amended.
Standing Committee amendments to LB 179:
AM0164

1. On page 2, strike lines 5 through 7; in line 9 strike "(3)" and insert "(2)"; in line 16 strike "and section 8 of this act"; and strike beginning with the colon in line 24 through line 27.
2. On page 3, strike lines 1 through 25; and in line 26 strike "(9) An" and insert "an".
3. On page 4, strike beginning with the semicolon in line 1 through line 27 and insert a period.
4. On page 5, strike lines 1 through 13; in line 18 strike "sections 3 to 7" and insert "section 3 or 4".
5. Renumber original sections 9 and 10 as

13 sections 5 and 6 respectively.

LEGISLATIVE BILL 145. Placed on General File.

LEGISLATIVE BILL 72. Placed on General File as amended.
Standing Committee amendments to LB 72:
AM0139
1. On page 9, line 22, after "for" insert "trucks or".
2. On page 10, lines 2 and 13, before "combination" insert "truck or a"; and in line 7 strike "combinations" and insert "trucks".

LEGISLATIVE BILL 98. Placed on General File as amended.
Standing Committee amendment to LB 98:
AM0165
1. On page 5, line 9, strike the underscored comma and after "vehicle" insert ","; and strike beginning with "by" in line 9 through "is" in line 12 and insert "between a livestock and poultry feed manufacturer and the manufacturer's dealer as long as such transportation is performed on a vehicle".

LEGISLATIVE BILL 100. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

NOTICE OF COMMITTEE HEARINGS

Public Works

LB 380	Wednesday, February 23, 1983	1:30 p.m.
LB 381	Wednesday, February 23, 1983	1:30 p.m.
LB 482	Wednesday, February 23, 1983	1:30 p.m.
LB 431	Thursday, February 24, 1983	1:30 p.m.
LB 462	Thursday, February 24, 1983	1:30 p.m.
LB 485	Thursday, February 24, 1983	1:30 p.m.
LB 316	Friday, February 25, 1983	1:30 p.m.
LB 378	Friday, February 25, 1983	1:30 p.m.
LB 379	Friday, February 25, 1983	1:30 p.m.

(Signed) Loran Schmit, Chairperson

Revenue

LB 395	Monday, February 14, 1983	1:30 p.m.
LB 363	Monday, February 14, 1983	1:30 p.m.

LB 520	Monday, February 14, 1983	1:30 p.m.
LB 600	Monday, February 14, 1983	1:30 p.m.
LB 172	Tuesday, February 15, 1983	1:30 p.m.
LB 571	Tuesday, February 15, 1983	1:30 p.m.
LB 546	Tuesday, February 15, 1983	1:30 p.m.
LB 192	Tuesday, February 15, 1983	1:30 p.m.
LB 404	Tuesday, February 15, 1983	1:30 p.m.
LB 435	Tuesday, February 22, 1983	1:30 p.m.
LB 12	Tuesday, February 22, 1983	1:30 p.m.
LB 47	Tuesday, February 22, 1983	1:30 p.m.

Governor's Appointment - Wednesday, February 16, 1983 1:30 p.m.
Donna Karnes, Tax Commissioner

(Signed) Calvin F. Carsten, Chairperson

ANNOUNCEMENT

Mr. Carsten announced the Revenue Committee will meet in Executive Session, Wednesday, February 16, 1983 at 1:30 p.m. in room 1520 and Wednesday, February 23, 1983 at 1:30 p.m. in room 1520.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 178A. By Clark, 47th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 178, Eighty-eighth Legislature, First Session, 1983; and to declare an emergency.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1.

A BILL FOR AN ACT relating to obsolete statutes; to repeal sections 2-119 to 2-124, 2-129, 2-130, 2-1580, 19-3601, and 28-1336 to 28-1342, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1581 and 2-1582, Revised Statutes Supplement, 1982.

Whereupon the 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	DeCamp	Doyle
Eret	Fenger	Goll	Haberman	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Marsh	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Wiitala	

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 4:

Cullan	Fowler	Goodrich	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 2. With Emergency.

A BILL FOR AN ACT to amend section 33-125, Revised Statutes Supplement, 1982; to change a fee; 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	DeCamp	Doyle
Eret	Fenger	Goll	Haberman	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Wiitala		

Voting in the negative, 0.

Present and not voting, 2:

Johnson, R. Schmit

Excused and not voting, 4:

Cullan Fowler Goodrich Johnson, V.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 3.

A BILL FOR AN ACT to amend section 84-712.04, Reissue Revised Statutes of Nebraska, 1943, relating to public records; to correct an internal reference; to clarify certain language; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	DeCamp	Doyle
Eret	Fenger	Goll	Haberman	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Marsh	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Wiitala	

Voting in the negative, 0.

Present and not voting, 1:

Morehead

Excused and not voting, 4:

Cullan Fowler Goodrich Johnson, V.

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 58. Placed on Select File.

LEGISLATIVE BILL 50. Placed on Select File as amended.
E & R amendment to LB 50:
AM5012

1. On page 1, line 1, strike "section" and insert "sections" and after "39-6,131" insert "and 39-6,131.02 to 39-6,131.05"; in line 4 after the first semicolon insert "to require a permit and fee prior to the use of such tires;" and after the second semicolon insert "to provide an operative date; and"; in line 5 strike "section" and insert "sections"; and strike beginning with the comma in line 5 through "emergency" in line 7.

LEGISLATIVE BILL 138. Placed on Select File.
LEGISLATIVE BILL 139. Placed on Select File.
LEGISLATIVE BILL 88. Placed on Select File.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendments to LB 21 in the Journal. No objections. So ordered.

AM0149

1. On page 5, in lines 2 and 9 strike "interested".

AM0171

1. On page 5, line 21, strike "and"; in line 23 strike "." and insert "; and"; and after line 23 insert:
"(5) The proposed transer is in the public interest.".

AM0170

1. On page 4, line 27, after the comma insert "a description of the land to which the water is proposed to be applied,".
2. On page 5, line 19, strike "used" and insert "transferred to the new location"; and in line 23 after "category" insert an underscored comma and before the period insert ", as the current use".

SELECT FILE

LEGISLATIVE BILL 66. E & R amendment found in the Journal on page 375 for the Eighteenth Day was adopted.

Mr. Vickers offered the following amendment:
Amend Sec 1 (8), page 3 as follows:
after "oil" insert , ~~or~~ and after "gas" insert or mineral

The amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 134. Mr. Beutler offered the following amendment:
On page 2, line 23 add the following language after the period:
"No employee who voluntarily retires may elect this option unless such employee's health or the health of such employee's spouse prevented the employee's continued employment."

Mr. Schmit 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 29 ayes, 0 nays, and 20 not voting.

The Beutler amendment lost with 13 ayes, 24 nays, 8 present and not voting, and 4 excused and not voting.

Mr. Wesely requested a machine vote on the advancement of the bill.

Mr. Pappas moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Pappas requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 18:

Barrett	Beyer	Carsten	Chronister	Eret
Higgins	Johnson, R.	Kilgarin	Labedz	Landis
Marsh	Newell	Pappas	Remmers	Rupp
Sieck	Wagner	Wiitala		

Voting in the negative, 19:

Beutler	Chambers	Clark	Goll	Hefner

Jacobson	Johnson, L.	Johnson, V.	Kahle	Lamb
Lundy	Morehead	Nichol	Peterson, H.	Pirsch
Vickers	Von Minden	Warner	Wesely	

Present and not voting, 8:

Abboud	DeCamp	Doyle	Fenger	Haberman
Hannibal	Hoagland	Peterson, R.		

Excused and not voting, 4:

Cullan	Fowler	Goodrich	Schmit

Failed to advance to E & R for Engrossment with 18 ayes, 19 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

STANDING COMMITTEE REPORTS
Government, Military & Veterans Affairs

LEGISLATIVE BILL 383. Placed on General File.

LEGISLATIVE BILL 129. Placed on General File as amended.
Standing Committee amendments to LB 129:
AM0175

1. On page 2 line 26, strike "Those" and insert "The" and strike ","; and in line 27 strike the new matter.

2. On page 3, strike beginning with "counties" in line 2 through "in" in line 7 and show as stricken; in line 7 after "which" insert "nominate or"; strike beginning with "(3)" in line 12 through "The" in line 16, show the old matter as stricken, and insert "In any county which has by election, as provided in sections 23-148 to 23-150, chosen to expand its board of commissioners from three to five, the"; and in line 16 strike "of such county" and show as stricken.

LEGISLATIVE BILL 493. Indefinitely postponed.

(Signed) David Landis, Chairperson

NOTICE OF COMMITTEE HEARINGS
Education

LB 207	Tuesday, February 22, 1983	1:30 p.m.
LB 288	Tuesday, February 22, 1983	1:30 p.m.

LB 287	Tuesday, February 22, 1983	1:30 p.m.
LB 341	Tuesday, February 22, 1983	1:30 p.m.
LB 289	Monday, February 28, 1983	1:30 p.m.
LB 467	Monday, February 28, 1983	1:30 p.m.
LB 495	Monday, February 28, 1983	1:30 p.m.
LB 286	Tuesday, March 1, 1983	1:30 p.m.
LB 387	Tuesday, March 1, 1983	1:30 p.m.
LB 388	Tuesday, March 1, 1983	1:30 p.m.
LB 533	Monday, March 7, 1983	1:30 p.m.
LB 290	Monday, March 7, 1983	1:30 p.m.
LB 437	Monday, March 7, 1983	1:30 p.m.
LB 465	Tuesday, March 8, 1983	1:30 p.m.
LB 385	Tuesday, March 8, 1983	1:30 p.m.
LB 284	Monday, March 14, 1983	1:30 p.m.
LB 514	Monday, March 14, 1983	1:30 p.m.
LB 446	Monday, March 14, 1983	1:30 p.m.
LB 227	Monday, March 14, 1983	1:30 p.m.

(Signed) Tom Vickers, Chairperson

UNANIMOUS CONSENT - Print in Journal

Miss Kilgarin asked unanimous consent to print the following amendment to LB 18 in the Journal. No objections. So ordered.

AM0105

1. On page 3, strike beginning with "be" in line 4 through "not" in line 6.

2. On page 5, line 26, strike the new matter and reinstate the stricken matter.

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 319. Placed on General File as amended.
Standing Committee amendments to LB 319:

AM0140

1. On page 15, strike beginning with "and" in line 21 through "relationship" in line 27 and insert "(q) service performed for a motor carrier, as defined in 49 U.S.C. section 10102 (11) as amended or subsection (8) of section 75-302 as amended, by a lessor leasing one or more motor vehicles driven by the lessor or one or more drivers provided by the lessor under a lease

executed pursuant to 49 CFR 1057 as amended or Article 7 of section III as amended of the rules and regulations of the Nebraska Public Service Commission with the motor carrier as lessee. This shall not preclude the determination of an employment relationship between the lessor and any personnel provided by the lessor in the conduct of the service performed for the lessee. The existence of such a lease either prior to, on the date of, or after the effective date of this act shall preclude a determination of liability as defined by the Employment Security Law after September 1, 1982;".

2. On page 16, strike lines 1 through 10 and insert "and (r) service performed by an individual for a business engaged in direct marketing or compilation of directories or other marketing data bases if such service consists only of the processing of data and is performed in the residence of the individual. The performance of such service prior to, and on the date of, or after the effective date of this act shall preclude a determination of liability as defined by the Employment Security Law after January 1, 1983.".

(Signed) Loran Schmit, Chairperson

SELECT FILE

LEGISLATIVE BILL 143. E & R amendment, AM5002, found in the Journal on page 375 for the Eighteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 144. E & R amendment, AM5003, found in the Journal on page 375 for the Eighteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 155. Mr. DeCamp requested to pass over.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 1, 2, 3.

SPEAKER NICHOL PRESIDING

SELECT FILE

LEGISLATIVE BILL 177. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 178. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 182. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 188. Mr. Vickers requested to pass over.

LEGISLATIVE BILL 197. E & R amendment, AM5005, found in the Journal on page 392 for the Nineteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 111. Mr. V. Johnson requested to pass over.

LEGISLATIVE BILL 60. E & R amendment, AM5007, found in the Journal on page 393 for the Nineteenth Day was adopted.

Advanced to E & R for Engrossment.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORT
Constitutional Revision and Recreation

LEGISLATIVE BILL 171. Placed on General File.

(Signed) Bernice Labedz, Chairperson

GENERAL FILE

LEGISLATIVE BILL 26. 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.

MR. CLARK PRESIDING

LEGISLATIVE BILL 40. Considered.

Mr. Beutler moved to indefinitely postpone LB 40.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Jacobson 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. Hoagland moved for a Call of the House. The motion prevailed

with 13 ayes, 1 nay, and 35 not voting.

Mr. Hoagland requested a roll call vote on the Beutler motion.

Voting in the affirmative, 30:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Clark	Doyle	Eret	Fenger
Goll	Hannibal	Hefner	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Landis	Marsh	Morehead
Nichol	Peterson, R.	Pirsch	Rupp	Sieck
Vickers	Von Minden	Wagner	Warner	Wiitala

Voting in the negative, 12:

Higgins	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Lundy	Newell	Pappas	Peterson, H.
Remmers	Wesely			

Absent and not voting, 1:

Chronister

Excused and not voting, 6:

Cullan	DeCamp	Fowler	Goodrich	Haberman
Schmit				

The Beutler motion to indefinitely postpone prevailed with 30 ayes, 12 nays, 1 absent and not voting, and 6 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 101. Placed on Select File.
LEGISLATIVE BILL 193. Placed on Select File.

LEGISLATIVE BILL 245. Placed on Select File as amended.
E & R amendments to LB 245:
AM5013

1. On page 1, line 1, strike "section" and insert "sections 77-421 and"; in line 3 after the second semicolon insert "to change provisions relating to examinations;"; and in line 4 strike "section" and insert "sections".

2. In the Standing Committee amendments, page 1, line 15, strike "Examination", show as stricken, and insert "Such examination"; and in line 17, after

9 "fitness" insert an underscored comma.

LEGISLATIVE BILL 11. Placed on Select File.
LEGISLATIVE BILL 23. Placed on Select File.
LEGISLATIVE BILL 33. Placed on Select File.

(Signed) Rod Johnson, Chairperson

NOTICE OF COMMITTEE HEARING
Constitutional Revision and Recreation

Governor's Appointment - Friday, February 25, 1983 1:30 p.m.
Dr. Timothy Biga, Game and Parks

(Signed) Bernice Labedz, Chairperson

UNANIMOUS CONSENT - Print in Journal

Miss Kilgarin and Mr. Beutler asked unanimous consent to print the following amendment to LB 13 in the Journal. No objections. So ordered.

1. On page 4, line 14, insert "county" before the word "court"; and on line 15, insert "county" before the word "court."

2. On page 5, line 23, reinstate the stricken commas after the words "Supreme" and "district" and strike the word "and", and insert "and county" after the stricken matter "~~and municipal~~", and strike "to each"; and on line 24, strike "county court,".

3. On page 7, line 10, reinstate the stricken matter; on line 24, strike "of which they are a" and on line 25, strike "resident.", and insert "in which the municipal court is located." between the word "district", line 24, and the word "Their", line 25; and on line 26, strike "section 24-820" and insert "sections 24-505.01, 24-820 and 24-821,".

4. On page 8, line 14, after "classification.", add: "Retirement income shall be subject to the provisions of section 86 of this act."

5. On page 8, line 4, after "1984.", add: "Persons currently serving as a municipal judge and assuming the office of county judge under this section shall be empowered to hear such cases, pursuant to section 24-517, as the presiding judge of a county court shall direct, with the concurrence of the Supreme Court."

6. On page 10, line 19, reinstate the stricken matter; on line 20, strike "courtrooms and offices"; and on line 27, strike "offices" and insert "office facilities."

7. On page 11, line 5, strike "1984." and insert "1984, subject to any sale, lease or other arrangement pursuant to this section."; on line 12, reinstate the stricken matter and strike "courtrooms and offices"; strike the new matter beginning with "All", line 18 through "state.", line 20; and on line 22, insert "prior to or" before the word "after", and

strike "section 24-517" and insert "sections 24-517 and 26-116 to 26-122,".

8. On page 29, line 14, after "24-590.", add: "Any fees assessed for causes prior to July 1, 1984, shall be paid and assigned to the jurisdiction assessing such fees."

9. On page 30, line 19, reinstate the stricken matter; and on line 20, after the stricken matter insert "a municipal court."

10. On page 31, lines 3 and 4, reinstate the stricken matter; and on lines 16 through 21, reinstate the stricken matter.

11. On page 37, strike the language beginning with the word "The" on line 10, through the word "body." on line 13, and insert: "A similar fee shall be charged for prosecutions of any city ordinance regulating nonmoving traffic violations, to be credited to the costs of a violations bureau when established by a local governing body, except when such cause, proceeding or defendant has been dismissed by the court."

12. On page 49, line 4, strike the word "Each" and insert "In counties having a population of one hundred thousand or more, each"; and on line 5, strike "appoint" and insert "appoint, with the concurrance of the Supreme Court,".

13. On page 61, line 4, after "related position", insert "exclusively associated with probation services and existing", and on line 5, strike "existing"; and on line 23, after "Administration.", add: "Retirement income shall be subject to the provisions of section 86 of this act."

14. On page 80, line 26, reinstate the stricken matter; and on line 27, strike "reporter and bailiff." and insert after the word "court", "reporter, bailiff" and reinstate the stricken matter.

15. On page 81, line 1, reinstate the stricken matter; and on line 9, strike "salary" and insert "salaries", and after "bailiff" insert "and other necessary personal staff".

16. On page 82, line 6, strike "Chief Justice" and insert "Supreme Court".

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 150. Placed on General File as amended.
Standing Committee amendment to LB 150:

1. On page 2, line 7, strike "district" and insert "jurisdiction".

(Signed) Dave Newell, Chairperson

VISITORS

Visitors to the Chamber were former Senator Arnold Ruhnke from Plymouth and the Cub Scouts Pack 389 from Westmont.

ADJOURNMENT

At 12:01 p.m., on a motion by Mr. Von Minden, the Legislature adjourned until 9:00 a.m., Tuesday, February 8, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SECOND DAY - FEBRUARY 8, 1983

LEGISLATIVE JOURNAL

TWENTY-SECOND DAY - FEBRUARY 8, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 8, 1983

Pursuant to adjournment, the Legislature met at 9:06 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Robert Bromley, Bethany Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Morehead and Mr. Goodrich who were excused; and Messrs. Fowler, Haberman, Hoagland, L. Johnson, V. Johnson, Newell, Remmers, Sieck, and Wagner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-First Day was approved.

MESSAGE FROM THE GOVERNOR

February 1, 1983

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment requiring legislative confirmation:

Director, Nebraska State Energy Office, Kandra Hahn

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Kandra Hahn
Accountability and Disclosure Commission
Department of Administrative Services

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 7, 1983, at 1:19 p.m., were the following bills: 1, 2, and 3.

(Signed) Pamela Moravec, Enrolling Clerk

APPRECIATION

Received note of appreciation from Emory P. Burnett for the resolution awarded to him.

SELECT FILE

LEGISLATIVE BILL 274. E & R amendments, AM5008, found in the Journal on page 394 for the Twentieth Day were adopted.

Laid over.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 39. Considered.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 11 nays, and 22 not voting.

Miss Kilgarin offered the following amendment:
p. 21. 16 - strike "forty-three"

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman requested a record vote on the Kilgarin amendment.

Voting in the affirmative, 6:

Hoagland Johnson, V. Kilgarin Marsh Warner

Wesely

Voting in the negative, 33:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Cullan	DeCamp	Doyle
Eret	Goll	Haberman	Hannibal	Hefner
Jacobson	Johnson, R.	Kahle	Labedz	Lamb
Landis	Lundy	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Sieck	Vickers
Von Minden	Wagner	Wiitala		

Present and not voting, 3:

Chambers	Fenger	Higgins

Excused and not voting, 7:

Fowler	Goodrich	Johnson, L.	Morehead	Newell
Nichol	Schmit			

The Kilgarin amendment lost with 6 ayes, 33 nays, 3 present and not voting, and 7 excused and not voting.

Miss Kilgarin requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 38 ayes, 1 nay, 3 present and not voting, and 7 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 433	Tuesday, February 15, 1983	1:30 p.m.
LB 360	Tuesday, February 15, 1983	1:30 p.m.
LB 253	Tuesday, February 15, 1983	1:30 p.m.
LB 460	Tuesday, February 15, 1983	1:30 p.m.
LB 461	Tuesday, February 15, 1983	1:30 p.m.
LB 324	Tuesday, February 22, 1983	1:30 p.m.
LB 434	Tuesday, February 22, 1983	1:30 p.m.
LB 453	Tuesday, February 22, 1983	1:30 p.m.
LB 508	Tuesday, February 22, 1983	1:30 p.m.
LB 515	Tuesday, February 22, 1983	1:30 p.m.
LB 599	Tuesday, February 22, 1983	1:30 p.m.
LB 554	Monday, February 28, 1983	1:30 p.m.
LB 582	Monday, February 28, 1983	1:30 p.m.
LB 557	Monday, February 28, 1983	1:30 p.m.

LB 548	Monday, February 28, 1983	1:30 p.m.
LB 502	Monday, February 28, 1983	1:30 p.m.
LB 473	Tuesday, March 1, 1983	1:30 p.m.
LB 475	Tuesday, March 1, 1983	1:30 p.m.
LB 480	Tuesday, March 1, 1983	1:30 p.m.
LB 603	Tuesday, March 1, 1983	1:30 p.m.

Governor's Appointments, March 1, 1983 1:30 p.m.
Barbara S. Huston, Nebraska Investment Council
Michael J. Dugan, Director, Department of Insurance
Paul Amen, Director, Department of Banking and Finance

(Signed) John W. DeCamp, Chairperson

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 49. Placed on General File as amended.
Standing Committee amendments to LB 49:
AM0138

1. On page 2, line 3, strike "The", and show stricken, and insert "In districts receiving annual gross revenue of less than forty million dollars, the"; strike the new matter in lines 4, 5, 6, 8, 12, and 13; after line 22, insert "In those districts receiving annual gross revenue of forty million dollars or more, the board of directors shall appoint the officers of the district, who shall be a president or chairperson of the board, a vice president or vice-chairperson of the board, a secretary, and a treasurer, and the board shall appoint such executive committee and other officers, including a president or general manager, agents, servants, and employees as shall be deemed necessary in handling the affairs and transacting the business of the district. The president or chairperson of the board, vice president or vice-chairperson of the board, and treasurer shall be appointed from the membership of the board of directors. The treasurer shall furnish and maintain a corporate surety bond in an amount sufficient to cover all money coming into his or her possession or control, which bond shall be satisfactory in form and with sureties approved by the board. The bond required under this section shall in no event exceed one hundred thousand dollars. The bond as thus approved shall be filed with the Secretary of State."; and in line 25 strike "A", show as stricken, and insert "In districts receiving annual gross revenue of less than forty

million dollars, a".

2. On page 3, after line 6, insert "In those districts receiving annual gross revenue of forty million dollars or more, a chief executive officer, who shall be designated as general manager if the board appoints a president of the board, or as president if the board appoints a chairperson of the board, may be employed on such terms as the board deems advisable and, subject to the control of the board of directors, shall manage, conduct, and administer the affairs of the district in an efficient and economical manner.".

(Signed) Loran Schmit, Chairperson

Constitutional Revision and Recreation

LEGISLATIVE BILL 466. Placed on General File as amended.
Standing Committee amendment to LB 466:
AM0181

1. On page 4, line 23, before "if" insert (a)"; in line 24 strike "or" and after the second "dollars" insert ", or a greater amount"; and in line 26 after "act" insert ", or (b) if a refund is not due, designate one dollar, five dollars, ten dollars, or a greater amount as a contribution to such fund by adding the designated amount to his or her tax liability".

(Signed) Bernice Labedz, Chairperson

NOTICE OF COMMITTEE HEARING
Public Works

LB 242 Thursday, February 10, 1983 (Cancel) 1:30 p.m.

(Signed) Loran Schmit, Chairperson

ANNOUNCEMENT

Mr. Haberman announced the Agriculture and Environment Committee will hold an Executive Session on Wednesday, February 9, 1983, at 8:00 a.m., in Room 1114.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 95. Indefinitely postponed.

LEGISLATIVE BILL 136. Indefinitely postponed.

(Signed) John W. DeCamp, Chairperson

SELECT FILE

LEGISLATIVE BILL 274. Mr. Hoagland asked unanimous consent to withdraw his pending amendment to LB 274 found in the Journal on page 378. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 185. Mr. Barrett requested to pass over.

LEGISLATIVE BILL 248. E & R amendments, AM5009, found in the Journal on page 394 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 116. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 52. Mr. Hoagland asked unanimous consent to withdraw his pending amendment to LB 52 found in the Journal on page 378. No objections. So ordered.

Mr. Beutler offered the following amendment:

By adding '(a)' after '(1)' in line 25 on page 4 and by reinstating the stricken words "on payment to him of the costs of the transcript" in lines 4 and 5 of page 5, and adding the words "and the docket fee" after the reinstated language above.

On line 17, page 5, change the word "docketed" to "perfected."

The Beutler 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 22. E & R amendments, AM5010, found in the Journal on page 406 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 71. E & R amendments, AM5011, found in the Journal on page 406 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 29. Mr. Vickers offered the following amendment:

After the word "lands" on line 8, add the words "not to exceed 40 acres"

The Vickers 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 162. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 163. Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 82. 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.

LEGISLATIVE BILL 83. Title read. Considered.

Messrs. Cullan and Wiitala asked unanimous consent to be excused until they return. No objections. So ordered.

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

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 34. 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.

MOTION - Reconsider Action on LB 40

Mr. Hoagland moved to reconsider the body's action in indefinitely postponing LB 40.

Laid over.

RESOLUTION

LEGISLATIVE RESOLUTION 28.

Introduced by Wesely, 26th District.

WHEREAS, Traffic safety education is an important function of the state of Nebraska; and

WHEREAS, The state of Nebraska has various state agencies and private groups involved in promoting traffic safety in the state; and

WHEREAS, There is a need for the public to become more aware of these organizations and agencies, and their various activities; and

WHEREAS, Many of these agencies and organizations have arranged to provide educational displays about their activities at various sites throughout Nebraska between March 7, 1983 and March 20, 1983;

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

1. That the Nebraska Legislature declares March 7, 1983 through March 20, 1983, to be Traffic Safety and Awareness Days.

2. That the Nebraska Legislature urges all Nebraskans to take this opportunity to become more aware of the various agencies, organizations, and programs involved in promoting Traffic Safety in Nebraska.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 104. 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 194. Title read. Considered.

Standing Committee amendments, AM0073, found in the Journal on page 350 for the Sixteenth 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 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 195. Title read. Considered.

Standing Committee amendments, AM0074, found in the Journal on page 351 for the Sixteenth 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 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 20. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Clark asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 30. 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 149. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 367. 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 401. Title read. Considered.

SPEAKER NICHOL 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.

Mr. R. Peterson requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Barrett	Carsten	Chambers	Chronister	Doyle
Eret	Hannibal	Higgins	Hoagland	Jacobson
Johnson, V.	Kilgarin	Labedz	Landis	Marsh
Newell	Nichol	Pappas	Remmers	Rupp
Schmit	Sieck	Vickers	Wagner	Wesely

Voting in the negative, 7:

Abboud	Hefner	Kahle	Lamb	Peterson, H.
Peterson, R.	Von Minden			

Present and not voting, 10:

Beutler	Beyer	Clark	DeCamp	Fenger
Goll	Johnson, R.	Lundy	Pirsch	Warner

Excused and not voting, 7:

Cullan	Fowler	Goodrich	Haberman	Johnson, L.
Morehead	Wiitala			

Advanced to E & R for Review with 25 ayes, 7 nays, 10 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 90. Placed on General File as amended.
Standing Committee amendments to LB 90:
AM0202

1. Strike original section 1 and insert the following new sections:

"Section 1. The Legislature finds that American Indians were the first residents of the State of Nebraska. The Legislature further finds that these residents have made advances to the growth and development of the United States, the State of Nebraska, and their local communities, first through history and and now through human and natural resources. The Legislature also finds that American Indians have made significant contributions and will continue to make contributions to the development of business, industry, education, the arts, and other areas which have made this country and this state a good place in which to live. The Legislature also finds that many of these contributions are unknown and unrecognized by many Nebraska citizens.

Sec. 2. It is hereby declared that the fourth Monday in September of each year shall be known in Nebraska as Unknown American Indian Day and that on this day schools, clubs, and civic and religious organizations shall be encouraged to recognize the contributions of American Indians with suitable ceremony and fellowship designed to promote greater understanding and brotherhood between American Indians and the non-Indian people of the State of Nebraska.".

2. On page 2, line 9, strike beginning with "in" through "places"; in line 11 after "Education" insert "and the Nebraska Indian Commission"; and in line 13 strike "the schools and".

3. Renumber original sections 2 and 3 as sections 3 and 4 respectively.

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 193 in the Journal. No objections. So ordered.

1. On page 2, line 22 after the period, insert "No other method of allocation shall be used."

Mr. Clark asked unanimous consent to print the following amendment to LB 58 in the Journal. No objections. So ordered.

1. Delete section 2 of the bill; renumber remaining sections accordingly.
2. Page 10, Line 16, delete "8-903".

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Sieck asked unanimous consent to have his name added as co-introducer to LB 500. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 36. Placed on Select File.
LEGISLATIVE BILL 191. Placed on Select File.

(Signed) Rod Johnson, Chairperson

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 454. Placed on General File as amended.
Standing Committee amendments to LB 454:
AM0213

1. On page 2, line 6, after "year" insert an underscored period; strike beginning with the comma in line 6 through "in" in line 12, show the old matter as stricken, and insert "In"; in line 13 strike the new matter; strike beginning with "not" in line 14 through "year" in line 15 and insert "be any amount agreed to by the parties"; and in line 16 strike beginning with "charging" through "section" and show as stricken.
2. Insert the following new sections:

"Sec. 2. That section 8-903, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-903. ~~It~~ Except as provided in sections 3 and 4 of this act, 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.

Sec. 3. Subject to the provisions of this section, and to the approval of the Director of Banking and Finance, a bank holding company, as defined in the Bank Holding Company Act of 1956, as amended, 12 U.S.C. 1841, et. seq. or a subsidiary thereof, with bank subsidiaries whose operations are principally conducted in a state other than Nebraska, may acquire and hold all or substantially all of the voting stock of a single newly established bank located in this state when and so long as the following conditions are satisfied:

(1) The bank whose stock is to be acquired is a newly established bank that shall be limited to a single banking office and the bank may not acquire, establish, share, or maintain any additional banking office or remote service unit in this state whether by merger, consolidation, or otherwise, and the services of the bank shall be limited to the solicitation, processing, and matters relating to the making of loans instituted by credit card or other type of transaction card;

(2) The bank whose stock is to be acquired has or will have on the date of commencement of banking business in this state a minimum capital stock and paid-in surplus of two million five hundred thousand dollars;

(3) The bank whose stock is to be acquired employs on the date of commencement of its banking business in this state or will employ within one year of such date not less than fifty persons in this state in its business; and

(4) The bank whose stock is to be acquired is operating in a manner and at a location that is not likely to attract customers from the general public in this state to the substantial detriment of existing banking institutions located in this state, except that the bank may be operated in a manner likely to attract and retain customers with whom that bank, the

out-of-state holding company, or such holding company's bank or nonbanking subsidiary has or has had business relations.

Sec. 4. (1) Any out-of-state bank holding company or subsidiary thereof proposing any acquisition pursuant to section 3 of this act shall file an application with the Director of Banking and Finance for approval to make the acquisition. The application shall contain such information as the director may by regulation require, and shall specifically acknowledge the applicant's agreement to be bound by the conditions set forth in section 3 of this act. In addition, the application shall designate a resident of this state as the applicant's agent for the service of any paper, notice, or legal process, upon the applicant in connection with the matters arising out of the laws of this state and shall be accompanied by a filing fee in the amount of five thousand dollars for the use of this state.

(2) In determining whether to approve an acquisition by an out-of-state bank holding company or subsidiary thereof of any voting stock of a newly established bank located in this state, the director shall consider: (a) The financial and managerial resources of the out-of-state bank holding company or its subsidiary; (b) whether the acquisition may result in undue concentration of resources or substantial lessening of competition; and (c) whether the convenience and benefit to the public outweigh any adverse competitive effects.

(3) Any approval granted to an out-of-state bank holding company by the director is subject to such reasonable conditions as the director deems necessary, and to the director's continuing authority to ascertain the out-of-state bank holding company's compliance with the provisions of the laws of this state and the conditions of approval.".

3. On page 2, line 27, after "original" insert "section 8-903, Reissue Revised Statutes of Nebraska, 1943, and".

4. On page 3, line 1, strike "is" and insert "are".

5. Renumber remaining sections accordingly.

(Signed) John W. DeCamp, Chairperson

MR. CLARK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 413. 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.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 87. Title read. Considered.

Standing Committee amendments, AM0041, referred to in the Journal on page 372 for the Eighteenth Day were adopted with 29 ayes, 0 nays, 13 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 81. Title read. Considered.

Standing Committee amendments, AM0101, found in the Journal on page 373 for the Eighteenth 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 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

ANNOUNCEMENTS

Mr. Vickers announced the Education Committee will meet in Executive Session Wednesday, February 9, 1983 at 8:30 a.m. in Room 1517.

Mr. V. Johnson announced the Executive Board will meet at 10:30 a.m., February 9, 1983 in Room 2102.

MOTION - Withdraw LB 521

Mr. Barrett moved to withdraw LB 521.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 10. Placed on Select File as amended.
E & R amendments to LB 10:
AM5014

1. On page 1, strike beginning with "the" in line 1 through "Act" in line 2 and insert "highways and roads"; in line 8 after the semicolon insert "to harmonize provisions;".

2. On page 4, line 5, strike "federally-designated", show as stricken, and insert "federally designated".

LEGISLATIVE BILL 15. Placed on Select File.

LEGISLATIVE BILL 21. Placed on Select File as amended.
E & R amendments to LB 21:
AM5015

1. On page 1, line 1, strike "sections" and insert "section" and strike "and 46-231"; in line 5 strike "or use"; and in line 7, strike "sections" and insert "section".

2. On page 5, line 13, strike "director" and insert "Director of Water Resources".

LEGISLATIVE BILL 37. Placed on Select File as amended.
E & R amendment to LB 37:
AM5016

1. On page 1, strike beginning with "eliminate" in line 3 through "on" in line 4 and insert "change provisions relating to".

LEGISLATIVE BILL 262. Placed on Select File.

(Signed) Rod Johnson, Chairperson

VISITORS

Visitors to the Chamber were 27 fourth grade students and teacher from Seward; and Dr. Daryl Wills from Gering.

ADJOURNMENT

At 11:59 a.m., on a motion by Mr. Sieck, the Legislature adjourned until 9:00 a.m., Wednesday, February 9, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-THIRD DAY - FEBRUARY 9, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 9, 1983

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Senator H. Peterson.

ROLL CALL

The roll was called and all members were present except Miss Kilgarin, Mesdames Higgins, Morehead, Pirsch, Messrs. Beutler, Chronister, Cullan, Doyle, Eret, Fowler, Goll, Haberman, Hoagland, Lamb, Newell, Vickers, Warner, Wesely, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Second Day was approved.

NOTICE OF COMMITTEE HEARINGS
Urban Affairs

LB 250	Wednesday, February 16, 1983	1:30 p.m.
LB 572	Wednesday, February 16, 1983	1:30 p.m.
LB 310	Wednesday, February 16, 1983	1:30 p.m.
LB 368	Wednesday, February 16, 1983	1:30 p.m.

(Signed) Dave Newell, Chairperson

MOTION - Withdraw LB 521

Mr. Barrett renewed his pending motion found in the Journal on page 437 to withdraw LB 521.

The motion prevailed with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 28. Considered.

LR 28 was adopted with 27 ayes, 0 nays, and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 58. Considered.

Mr. Clark renewed his pending amendment found in the Journal on page 434.

Mr. Clark requested a record vote on his amendment.

Voting in the affirmative, 14:

Barrett	Beyer	Carsten	Clark	Goll
Hefner	Johnson, L.	Kahle	Lamb	Nichol
Peterson, R.	Remmers	Rupp	Wagner	

Voting in the negative, 22:

Abboud	Cullan	DeCamp	Doyle	Fenger
Goodrich	Haberman	Hannibal	Hoagland	Jacobson
Johnson, R.	Johnson, V.	Labedz	Landis	Lundy
Marsh	Morehead	Pappas	Peterson, H.	Warner
Wesely	Wiitala			

Present and not voting, 8:

Beutler	Chambers	Chronister	Higgins	Schmit
Sieck	Vickers	Von Minden		

Excused and not voting, 5:

Eret	Fowler	Kilgarin	Newell	Pirsch

The Clark amendment lost with 14 ayes, 22 nays, 8 present and not voting, and 5 excused and not voting.

Mr. Remmers offered the following amendment:

1. On page 8, line 25 strike "or".

2. On page 9, line 1, after "state," insert "or (4) a bank holding company as defined or referred to in 12 U.S.C. 1842 (d), as amended, which is not a subsidiary of a bank or a bank holding company and which is incorporated and domiciled in a state contiguous to Nebraska, and which state authorizes the acquisition

or control of banks in that state by such bank holding companies incorporated and domiciled in Nebraska,".

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

Mr. Remmers requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Barrett	Carsten	Clark	Goll	Hefner
Higgins	Johnson, L.	Johnson, V.	Kahle	Kilgarin
Lamb	Landis	Nichol	Peterson, R.	Remmers
Rupp	Sieck	Von Minden	Wagner	

Voting in the negative, 23:

Abboud	Beyer	Cullan	DeCamp	Fenger
Fowler	Goodrich	Haberman	Hannibal	Hoagland
Jacobson	Johnson, R.	Labedz	Lundy	Marsh
Morehead	Pappas	Peterson, H.	Pirsch	Schmit
Vickers	Warner	Wesely		

Present and not voting, 5:

Beutler	Chronister	Doyle	Eret	Wiitala

Absent and not voting, 1:

Chambers

Excused and not voting, 1:

Newell

The Remmers amendment lost with 19 ayes, 23 nays, 5 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. Hefner offered the following amendment:
Page 9 line 7 strike 9 and insert 8

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.

Mr. DeCamp requested a record vote on the Hefner amendment.

Mr. Hefner moved for a Call of the House. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Hefner requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Barrett	Beutler	Beyer	Carsten	Clark
Goll	Hefner	Higgins	Johnson, L.	Kahle
Lamb	Nichol	Peterson, R.	Remmers	Rupp
Sieck	Von Minden	Wagner	Wesely	

Voting in the negative, 26:

Chronister	Cullan	DeCamp	Doyle	Eret
Fenger	Fowler	Goodrich	Haberman	Hannibal
Hoagland	Jacobson	Johnson, V.	Kilgarin	Labedz
Landis	Lundy	Marsh	Morehead	Pappas
Peterson, H.	Pirsch	Schmit	Vickers	Warner
Wiitala				

Present and not voting, 2:

Abboud Johnson, R.

Absent and not voting, 1:

Chambers

Excused and not voting, 1:

Newell

The Hefner amendment lost with 19 ayes, 26 nays, 2 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. Chambers 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 30 ayes, 0 nays, and 19 not voting.

Mr.DeCamp requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Abboud	Beutler	Cullan	DeCamp	Doyle
Eret	Fenger	Fowler	Goodrich	Haberman
Hannibal	Hoagland	Jacobson	Johnson, V.	Kilgarin
Labedz	Landis	Lundy	Marsh	Morehead
Pappas	Peterson, H.	Pirsch	Schmit	Warner
Wesely	Wiitala			

Voting in the negative, 17:

Barrett	Beyer	Carsten	Clark	Goll
Hefner	Higgins	Johnson, L.	Kahle	Lamb
Nichol	Peterson, R.	Remmers	Rupp	Sieck
Von Minden	Wagner			

Present and not voting, 3:

Chronister	Johnson, R.	Vickers

Excused and not voting, 2:

Chambers	Newell

Advanced to E & R for Engrossment with 27 ayes, 17 nays, 3 present and not voting, and 2 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Business and Labor

LB 521 Wednesday, February 16, 1983 (Cancelled) 1:30 p.m.

Governor's Appointment - Wednesday, February 23, 1983 1:30 p.m.
Ron E. Sorensen, Commissioner, Department of Labor

(Signed) Bill Barrett, Chairperson

Nebraska Retirement Systems

LB 553 Wednesday, February 23, 1983 Noon

(Signed) Steve Fowler, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 60, 66, 143, 144, 177, 178, 182, and 197.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 66

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 66:
ER0001
1. In the Vickers amendment, page 1, line 3, before "or" insert an underscored comma.

Enrollment and Review Change to LB 197

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 197:
ER0002
1. In the E & R amendments, page 1, line 2, a comma has been added before "if".

(Signed) Tristi Wilson
E & R Attorney

UNANIMOUS CONSENT - Member Excused

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 50. E & R amendment, AM5012, found in the Journal on page 414 for the Twenty-First Day was adopted.

Mrs. Labedz offered the following amendment:
AM0211
1. Strike the Von Minden amendment found on pages 382 to 386 in the Journal.
2. Strike the E and R amendments found on page 414 of the Journal.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Higgins 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 Labedz amendment was adopted with 26 ayes, 16 nays, 4 present and not voting, and 3 excused and not voting.

VISITOR

Mr. DeCamp escorted Mr. Liu, Counsul General of North American Affairs for the Republic of China to the rostrum where he spoke to the members of the Legislature.

ATTORNEY GENERAL'S OPINION

Opinion No. 20
February 8, 1983

Dear Senator Vickers:

This is in response to your inquiry of January 31, 1983, in which you ask whether the Legislature may constitutionally direct and limit the sale or rental of school lands to a specific group of potential buyers or renters as proposed by Sections 8, 9, and 10 of LB 339.

To the extent that Sections 8, 9, and 10 of LB 339 would assume direct control over the public school lands and remove the control of the Nebraska State Board of Educational Lands and Funds, said Sections would be unconstitutional.

The Nebraska Constitution provides that public school lands and the income therefrom are held in trust for educational purposes. State ex rel. Ebke v. Board of Educational Lands and Funds, 159 Neb. 79, 65 N.W.2d 392 (1954).

The designation of the public school lands as a trust in the Constitution has the effect of incorporating into the constitutional provisions the rules of law regulating the administration of trusts and the conduct and duties of trustees. State ex rel. Belker v. Board of Educational Lands and Funds, 184 Neb. 621, 171 N.W.2d 156 (1969).

Consequently, the state "as trustee of the lands and of the income therefrom, is required to administer the trust estate under the rules of law applicable to trustees acting in a fiduciary capacity." Probst v. Board of Educational Lands and Funds, 156 Neb. 226, 55 N.W.2d 653 (1952); See, also, State ex rel. Ebke, Id., and Banks v. State, 181 Neb. 106, 147 N.W.2d 132 (1966).

One aspect of the trustee's duty to act in a fiduciary capacity is summarized in relatively absolute terms by the Nebraska Supreme Court in the case of State v. Platte Valley Public Power and Irrigation District, 143 Neb. 661, 10 N.W.2d 631 (1943). There the court said:

> The state as trustee of public school lands is without power through legislative means or otherwise to bestow a special benefit upon any person or corporation, public or private, at the expense of the cestui que trust, the public school system of the state.

To the extent that Sections 8, 9, and 10 of LB 339 would "assume direct control over the public school lands and remove the control of the Board of Educational Lands and Funds," said Sections would be "unconstitutional, null and void." State v. Central Nebraska Public

Power and Irrigation District, 143 Neb. 153, 8 N.W.2d 841 (1943).

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Frank J. Hutfless
Assistant Attorney General

FJH:kkh
cc: Patrick J. O'Donnell
Clerk of the Legislature

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 26. Placed on General File as amended.
Standing Committee amendments to LB 26:
AM5017

1. On page 1, strike beginning with "to" in line 7 through the semicolon in line 9.
2. On page 2, line 25, insert an underscored comma after "industrial"; and in line 26, after "commercial" insert an underscored comma.
3. On page 7, line 6, strike "subsection", show as stricken, and insert "subdivision".

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Members Excused

Messrs. Cullan and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 65. Title read. Considered.

Standing Committee amendments, AM0102, found in the Journal on page 373 for the Eighteenth Day were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Higgins offered the following amendment:
On page 3, lines 19 and 26, strike "public counsel" and insert "investigative commission appointed by the legislature and governor consisting of 7 members"

Mrs. Labedz and Mr. Wagner asked unanimous consent to be excused until they return. No objections. So ordered.

The Higgins amendment lost with 9 ayes, 12 nays, 23 present and not voting, and 5 excused and not voting.

Mrs. Higgins offered the following amendment:
Strike on page 2, section 2, subsections (a) (b) (c).

Mrs. Higgins moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mrs. Higgins requested a roll call vote on her amendment.

Voting in the affirmative, 19:

Abboud	Beyer	Chronister	DeCamp	Eret
Fenger	Goll	Hefner	Higgins	Johnson, L.
Labedz	Lamb	Lundy	Nichol	Pappas
Peterson, H.	Peterson, R.	Remmers	Rupp	

Voting in the negative, 19:

Beutler	Carsten	Chambers	Clark	Fowler
Hannibal	Hoagland	Jacobson	Johnson, R.	Johnson, V.
Landis	Marsh	Newell	Pirsch	Schmit
Sieck	Vickers	Wagner	Wesely	

Present and not voting, 8:

Barrett	Doyle	Goodrich	Kahle	Kilgarin
Morehead	Von Minden	Wiitala		

Absent and not voting, 1:

Warner

Excused and not voting, 2:

Cullan Haberman

The Higgins amendment lost with 19 ayes, 19 nays, 8 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. H. Peterson moved to indefinitely postpone LB 65.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the re-referral of legislative bill 306 and the following Governor's Appointment, Report No. VI.

LB	Committee
306	Public Health and Welfare

Banking, Commerce, and Insurance
Kandra Hahn - Director, Nebraska State Energy Office

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Vickers asked unanimous consent to have his name added as co-introducer to LB 210. No objections. So ordered.

ATTORNEY GENERAL'S OPINION

Opinion No. 21
February 2, 1983

Dear Senator Warner:

We have examined the statutes to determine what legislation may be proposed in order to correct deficiencies within the antitrust section, and more especially, that of the payment of sums collected under antitrust violation to the respective agencies when they can be defined.

The Constitution of Nebraska holds that any "penalty" or "fine" shall be paid to the school fund. Therefore, on this issue only, a constitutional amendment may affect this payment.

We do, however, recognize where "damages" are collected, as in bid rigging contractor cases, a provision may be made for reimbursement or return of payment to the agency from which the money was wrongfully taken.

Therefore, we suggest either an addition to Neb.Rev.Stat. §59-1614 making provision for repayment, or an additional section, Neb.Rev.Stat. §59-1614.01, be added. In any case, the language treating this damage payment may be substantially in the form as follows:

When the Attorney General, on behalf of a State agency or a

political subdivision is authorized to investigate, file suit, or otherwise take action in connection with violations under the Consumer Protection Act, Neb.Rev.Stat. §59-1601 through 59-1623, any recovery of damages or costs by judgment, court decree, settlement in or out of court, or by other final result, such investigations, suit or recovery shall be subject to the following:

All State agencies or political subdivisions of this State are authorized by this act to make payment to the Attorney General of the costs, expenses or billings as they occur and are incurred by the Attorney General in any investigations, filing suit, taking action, seeking judgment, final decree, settlement in or out of court, or other final result arising out of violation under Neb.Rev.Stat. §59-1601 through 59-1623, which may be retained on the Attorney General for the operation of his office. Upon recovery of damages or any monetary payment except criminal penalties, the costs incurred by the State agency or political subdivision shall be sought in any judgment, final decree, settlement in or out of court, or final result and returned by the Attorney General to the State agency or political subdivision for whom such recovery was made where such is capable of recovery.

When the Attorney General, pursuant to Neb.Rev.Stat. §59-1601 to 59-1623 (Reissue 1978) makes recovery of any moneys, funds, securities, or other thing of value in the nature of civil damages, or other, except criminal penalties, whether such recovery shall be by way of verdict, judgment, compromise or settlement in or out of court, or other final disposition of any case or controversy, such moneys, funds, securities or other things of value shall be transferred or paid by the Attorney General to the State agency or political subdivision for which recovery is sought from the wrongdoer. Where such State agency or political subdivision has a dedicated fund, and such recovery is paid to that fund, such returned moneys, funds, securities, or thing of value shall be used only for the purposes intended by the fund.

We trust the above language will assist you in drafting language correcting the consumer protection statutes. We do recommend an emergency clause to this legislation.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Gary R. Welch
Assistant Attorney General

GRW/ta
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following amendment to LB 196 in the Journal. No objections. So ordered.

AM0219

1. On page 17, line 15, after the comma insert "or film rentals for use in a place where an admission is charged that is subject to taxation under sections 77-2701 to 77-27,135,"; and in line 24 strike the second "or" and show as stricken.

2. On page 18, after line 3 insert:

"(iv) The cost of computer software contained on the tangible personal property; or

(v) The cost of any license, franchise, or lease for the use of computer software or entertainment properties such as videotapes or movie films;".

3. On page 20, line 2, after "senses" insert "and includes tangible personal property which is used to convey computer software".

Mr. Hefner asked unanimous consent to print the following amendment to LB 59 in the Journal. No objections. So ordered.

Add a new Section 2 as follows:

Sec. 2. That section 77-2734, Revised Statutes Supplement, 1982, be amended to read as follows:

77-2734. (1) A tax is hereby imposed for each taxable year on the taxable income derived from sources within this state of any corporation or any other entity taxed as a corporation under the Internal Revenue Code whose business within this state during the taxable year consists exclusively of foreign commerce, interstate commerce, or both, at a rate equal to twenty-~~five~~ two and one half per cent of the rate imposed on individuals under section 77-2715 on the first fifty thousand dollars of taxable income, and at the rate of thirty-~~five~~ one and one half per cent of such rate on all taxable income in excess of fifty thousand dollars. For any taxpayer subject to this section whose fiscal year does not coincide with the calendar year, the rate initially set shall also apply for the period from January 1, 1968, to the last day of its then current fiscal year.

Renumber original Sec. 2 as Sec. 3 to read as follows:

Sec. 3. That original sections 77-2715.01 and 77-2734, Revised Statutes Supplement, 1982, are repealed.

VISITORS

Visitors to the Chamber were 45 ninth grade students and teacher from Goodrich Jr. High; Robin Burner, Nebraska Honey Queen, from Belden; and Howard Halbgewachs from Cozad.

ADJOURNMENT

At 12:10 p.m., on a motion by Mr. Lundy, the Legislature adjourned until 9:00 a.m., Thursday, February 10, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FOURTH DAY - FEBRUARY 10, 1983

LEGISLATIVE JOURNAL

TWENTY-FOURTH DAY - FEBRUARY 10, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 10, 1983

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. James C. Couser, All Saints Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Cullan, Eret, Fowler, Goll, Haberman, Hoagland, Lamb, Vickers, Warner, Wiitala, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 446, line 13, strike "General" and insert "Select".
Page 446, line 14, strike "Standing Committee" and insert "E & R".
The Journal for the Twenty-Third Day was approved as corrected.

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

LB 140	Tuesday, February 22, 1983	1:30 p.m.
LB 235	Tuesday, February 22, 1983	1:30 p.m.
LB 273	Tuesday, February 22, 1983	1:30 p.m.
LB 400	Tuesday, February 22, 1983	1:30 p.m.
LB 275	Wednesday, February 23, 1983	7:30 p.m.

(Signed) George Fenger, Chairperson

Public Works

LB 512	Wednesday, March 2, 1983	1:30 p.m.
LB 528	Wednesday, March 2, 1983	1:30 p.m.

LB 545	Wednesday, March 2, 1983	1:30 p.m.
LB 609	Wednesday, March 2, 1983	1:30 p.m.
LB 574	Thursday, March 3, 1983	1:30 p.m.
LB 578	Thursday, March 3, 1983	1:30 p.m.
LB 595	Thursday, March 3, 1983	1:30 p.m.

Informational meeting -
John Platte River Crane Trust Fund
Friday, March 4, 1983 1:00 p.m.

LB 559	Friday, March 4, 1983	1:30 p.m.
LB 596	Friday, March 4, 1983	1:30 p.m.
LB 118	Wednesday, March 9, 1983	1:30 p.m.
LB 458	Wednesday, March 9, 1983	1:30 p.m.
LB 558	Wednesday, March 9, 1983	1:30 p.m.

(Signed) Loran Schmit, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 28.

SELECT FILE

LEGISLATIVE BILL 50. Mr. Sieck offered the following amendment: AM0253

1. Insert the following new sections:

"Sec. 2. That section 39-6,131.04, Revised Statutes Supplement, 1982, be amended to read as follows:

39-6,131.04. (1) The Department of Roads, Maintenance Division, Carrier Enforcement and Permit Section shall issue dealer permits to sellers or suppliers of studded or spiked tires throughout the state who apply to the department or one of its field offices to be authorized dealers of such tires. The department shall issue dealer permits to those dealers which meet the ~~meeting~~ standards set and published by the department and which submit a twenty-five dollar fee with their application. ~~Only authorized dealers shall be permitted to sell studded or spiked tires or sets of studs or spikes in this state. The authorized dealers shall sell or supply studded or spiked tires only to those persons who own or use vehicles which qualify under subdivision (1) of section 39-6,131.~~ The

Department of Roads, Maintenance Division, Carrier Enforcement and Permit Section shall provide each authorized dealer with a dealer permit indicating that it is an authorized dealer, and the dealer permit shall be prominently displayed in the place of business. ~~There shall be no fee for such dealer permits.~~

(2) The authorized dealer permit shall be valid for one year from the date of its issuance, and may be renewed in the similar manner as an original dealer permit is obtained.

Sec. 3. (1) Any person who sells new or used tires shall collect a fee of ten dollar per tire upon the sle of any such tire or upon the insertion of studs or spikes into a tire, except as provided in subsection (2) of this section. The fee collected shall be remitted to the Department of Roads on a monthly basis and shall be transmitted by the department to the State Treasurer for credit to the Highway Trust Fund.

(2) Any person who is a physically handicapped person as defined in section 18-1738 shall be exempt from the fee imposed pursuant to subsection (1) of this section upon presenting proof of his or her handicapping condition to the person selling studded or spiked tires or inserting studs or spikes.

Sec. 4. That section 39-6,131.07, Revised Statutes Supplement, 1982, be amended to read as follows:

39-6,131.07. (1) Any person violating section ~~39-6,131.01, 39-6,131.02, or~~ 39-6,131.04 shall be guilty of a Class V misdemeanor.

(2) Any person violating section 39-6,131 or section 3 of this act ~~39-6,131.03~~ shall be guilty of a traffic infraction and be fined not more than thirty dollars for each violation, but no court costs shall be assessed against such person if such fine is paid within fifteen days.".

2. On page 1, line 1, strike "section" and insert "sections" and after "39-6,131," insert "39-6,131.04, and 39-6,131.07,"; in line 4 after the first semicolon insert "to provide for fees as prescribed; to provide a penalty;"; in line 5 strike "section" and insert "sections"; and in line 6, strike "39-6,131.07 and insert "39-6,131.03, 39-6,131.05, and 39-6,131.06".

3. On page 3, line 14, strike "section" and insert "sections" and after "39-6,131," insert "39-6,131.04, and 39-6,131.07,"; and in line 16 strike

"39-6,131.07" and insert "39-6,131.03, 39-6,131.05, and 39-6,131.06".

4. Renumber remaining sections accordingly.

The Sieck amendment lost with 9 ayes, 19 nays, 12 present and not voting, and 9 excused and not voting.

Mr. Von Minden offered the following amendment:
AM0142

1. On page 2, line 10, strike "(1)" and show as stricken; strike beginning with "to" in line 11 through line 18, show the old matter as stricken, and insert "between November 1 and March 15 of each year when a permit has been obtained pursuant to section 39-6,131.03."; in line 25 strike "(2) it", show as stricken, and insert "Notwithstanding any other provision of sections 39-6,131 to 39-6,131.07, it"; in line 26 after "use" insert "(1)"; and in line 27 strike the comma and show as stricken.

2. On page 3, line 1, strike beginning with "(3)" through "use", show as stricken, and insert "(2)"; in line 4 after "skid" insert "without obtaining the permit or paying the fee pursuant to section 39-6,131.03".

3. Strike sections 2 and 3 and insert the following new sections:

"Sec. 2. That section 39-6,131.02, Revised Statutes Supplement, 1982, be amended to read as follows:

39-6,131.02. ~~After August 31, 1980, each~~ Each person who sells new or used tires shall display, in the area where such tires are sold, a sign measuring not less than fourteen inches square which shall contain a notice in letters measuring at least one half inch in height. Such notice shall read as follows: Notice: The use of tires containing studs or spikes is prohibited in this state after ~~April 15, 1982~~ November 1, 1983, unless a permit is obtained.

Sec. 3. That section 39-6,131.03, Revised Statutes Supplement, 1982, be amended to read as follows:

39-6,131.03. (1) The Department of Roads, Maintenance Division, Carrier Enforcement and Permit Section shall provide permits ~~and stickers only~~ for those persons using or purchasing studded or spiked tires or sets of studs or spikes for vehicles. ~~which are excepted from the prohibition on studded or spiked~~

~~tires, as provided in subdivision (1) of section 39-6,131.~~ Any person using or purchasing a studded or spiked tire or a set of studs or spikes after ~~April 16, 1982~~ November 1, 1983, shall apply for a permit ~~and sticker~~ prior to the purchase or use of such tires. The application for a permit ~~and sticker~~ shall be made on forms prescribed by the department and accompanied by a ~~ten~~ twenty-five dollar fee for each vehicle which has one or more studded or spiked tires. The application and fee shall be sent to and the permit ~~and sticker~~ issued by the Department of Roads, Maintenance Division, Carrier Enforcement and Permit Section, or one of the Department of Road's field officers in the state. The ~~sticker~~ permit shall contain the license plate number of the vehicle and the date of the permit's issuance, and shall be displayed ~~in the vehicle's rear window so as to be readily visible to a law enforcement officer~~ as provided in section 39-6,131.04. All money collected by the Department of Roads, Maintenance Division, Carrier Enforcement and Permit Section pursuant to this section shall be transmitted and credited to the Highway Trust Fund.

(2) The permit ~~and sticker~~ shall be valid for one year from the date of issuance, and renewal ~~stickers and~~ permits shall be applied for and issued in the same manner as the original ~~sticker and~~ permit.

(3) No motor vehicle equipped with studded or spiked tires and licensed and registered in this state shall be driven upon the roads and highways of this state except between November 1 and March 15 of each year when the sticker required by section 39-6,131.04 is affixed to the vehicle's rear window in the designated location.

Sec. 4. That section 39-6,131.04, Revised Statutes Supplement, 1982, be amended to read as follows:

39-6,131.04. (1) The Department of Roads, Maintenance Division, Carrier Enforcement and Permit Section shall issue dealer permits to sellers or suppliers of studded or spiked tires throughout the state who apply to the department or one of its field offices to be authorized dealers of such tires. The department shall issue dealer permits to those dealers which meet the ~~meeting~~ standards set and published by the department and which submit a twenty-five dollar fee with their application. ~~Only authorized dealers shall be permitted to sell studded or spiked tires or sets of studs or spikes in this state. The authorized dealers~~

~~shall sell or supply studded or spiked tires only to those persons who own or use vehicles which qualify under subdivision (1) of section 39-6,131.~~ The Department of Roads, Maintenance Division, Carrier Enforcement and Permit Section shall provide each authorized dealer with a dealer permit indicating that it is an authorized dealer, and the dealer permit shall be prominently displayed in the place of business. ~~There shall be no fee for such dealer permits.~~

(2) The authorized dealer permit shall be valid for one year from the date of its issuance, and may be renewed in the similar manner as an original dealer permit is obtained.

(3) Only authorized dealers shall sell or supply studded or spiked tires or sets of studs or spikes in this state. Authorized dealers shall sell or supply studded or spiked tires or sets of studs or spikes only to those persons who display a valid permit issued by the Department of Roads, Maintenance Division, Carrier Enforcement and Permit Section authorizing the person to purchase or use such studded or spiked tires or set of studs or spikes.

(4) Each authorized dealer permitted to sell or supply studded or spiked tires in this state shall, upon presentment of a valid permit by the purchaser of such tires or person seeking to use such tires, affix a sticker issued by the Department of Roads, Maintenance Division, Carrier Enforcement and Permit Section to the rear window of the vehicle on which the purchaser or user is going to install studded or spiked tires. Such sticker shall contain the license plate number of the vehicle and the date of the issuance of the purchaser's or user's permit and shall be affixed in the rear window so as to be readily visible to a law enforcement officer.

Sec. 5. That section 39-6,131.05, Revised Statutes Supplement, 1982, be amended to read as follows:

39-6,131.05. The Department of Roads shall adopt and promulgate rules and regulations to provide for administering sections 39-6,131 to 39-6,131.04. ~~The Department of Roads shall require that emergency medical personnel upon request substantiate the need to use studded or other prohibited tires pursuant to subdivision (1) of section 39-6,131.~~

Sec. 6. This act shall become operative November 1, 1983, except that necessary action

preparatory to its implementation may be taken prior to such date.

Sec. 7. That original sections 39-6,131 and 39-6,131.02 to 39-6,131.05, Revised Statutes Supplement, 1982, are repealed.".

Mrs. Higgins 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. Von Minden moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Von Minden requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Beutler	Chambers	Hannibal	Hoagland	Johnson, R.
Kahle	Lamb	Landis	Marsh	Newell
Peterson, R.	Sieck	Vickers	Von Minden	Warner
Wesely	Wiitala			

Voting in the negative, 29:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	Cullan	DeCamp	Eret	Fenger
Fowler	Goll	Goodrich	Haberman	Hefner
Higgins	Jacobson	Johnson, L.	Johnson, V.	Kilgarin
Labedz	Morehead	Nichol	Pappas	Peterson, H.
Pirsch	Remmers	Schmit	Wagner	

Present and not voting, 3:

Doyle	Lundy	Rupp

The Von Minden amendment lost with 17 ayes, 29 nays, and 3 present and not voting.

The Chair declared the Call raised.

Mr. Newell offered the following amendment:

Add a new section No. 2 and renumber the remaining sections.

That on or after July 1, 1983 all pneumatic tires with metal or metal-type studs for sale in the state shall not exceed "One-quarter of an inch in diameter inclusive of the stud-casing with an average protrusion beyond the tread surface of not more than seven sixty-fourths of an inch.

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

The Newell amendment was adopted with 25 ayes, 15 nays, and 9 present and not voting.

Mr. Chambers moved to indefinitely postpone LB 50.

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.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 18 ayes, 6 nays, and 25 not voting.

Mrs. Marsh requested a roll call vote on the Chambers motion to indefinitely postpone LB 50.

Voting in the affirmative, 21:

Barrett	Beutler	Chambers	Clark	Doyle
Hannibal	Hoagland	Johnson, R.	Johnson, V.	Kahle
Lamb	Landis	Lundy	Marsh	Newell
Peterson, R.	Sieck	Von Minden	Warner	Wesely
Wiitala				

Voting in the negative, 28:

Abboud	Beyer	Carsten	Chronister	Cullan
DeCamp	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hefner	Higgins	Jacobson
Johnson, L.	Kilgarin	Labedz	Morehead	Nichol
Pappas	Peterson, H.	Pirsch	Remmers	Rupp
Schmit	Vickers	Wagner		

Not voting, 0.

The Chambers motion to indefinitely postpone lost with 21 ayes, 28 nays, and 0 not voting.

The Chair declared the Call raised.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Haberman requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Abboud	Beyer	Carsten	Chronister	Cullan
DeCamp	Eret	Fowler	Goll	Goodrich
Haberman	Hefner	Higgins	Jacobson	Johnson, L.
Kilgarin	Labedz	Morehead	Nichol	Pappas
Peterson, H.	Pirsch	Remmers	Rupp	Schmit
Wagner				

Voting in the negative, 18:

Barrett	Beutler	Chambers	Clark	Doyle
Hannibal	Hoagland	Johnson, R.	Johnson, V.	Kahle
Lamb	Landis	Lundy	Marsh	Newell
Peterson, R.	Von Minden	Wiitala		

Present and not voting, 5:

Fenger	Sieck	Vickers	Warner	Wesely

Advanced to E & R for Engrossment with 26 ayes, 18 nays, and 5 present and not voting.

LEGISLATIVE BILL 138. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 139. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 88. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 101. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 245. E & R amendments, AM5013, found in the Journal on page 420 for the Twenty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 11. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 23. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 33. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 36. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 191. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 10. E & R amendments, AM5014, found in the Journal on page 438 for the Twenty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 37. E & R amendment, AM5016, found in the Journal on page 438 for the Twenty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 262. Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 238. Placed on General File.
LEGISLATIVE BILL 239. Placed on General File.
LEGISLATIVE BILL 243. Placed on General File.
LEGISLATIVE BILL 298. Placed on General File.
LEGISLATIVE BILL 301. Placed on General File.
LEGISLATIVE BILL 382. Placed on General File.

LEGISLATIVE BILL 252. Placed on General File as amended.
Standing Committee amendments to LB 252:
AM0192

1. Insert the following sections:

"Section 1. The Legislature finds and declares:

(1) That it is of utmost importance to the State of Nebraska and its citizens that a safe and strong system of banks and other financial depositories be maintained throughout the state. In order to promote this objective, the Legislature wishes to allow financial depositories, existing pursuant to Chapter 21, article 13, and known as cooperative credit associations, to be integrated into the regulatory scheme and system of state chartered banks;

(2) In order to further allow the integration of cooperative credit associations into the state bank system through the acquisition of substantially all of the assets and liabilities of cooperative credit associations by entities newly chartered as state banks, the Legislature hereby specifically declares that a policy requiring no public hearing concerning the chartering of a new state bank to acquire substantially all of the assets of a cooperative credit association is established;

(3) The Legislature recognizes its duty to promote efficient expenditure of state funds provided by its citizens, and as the public necessity, convenience, and advantage of these entities is demonstrated by their history of providing service and continuing existence, any additional such determination pursuant to a public hearing or otherwise would be redundant; and

(4) The Legislature further declares that the acquisition of substantially all of the assets of an

exising cooperative credit associaiton by a newly organized state bank will promote the public necessity, convenience, and advantage.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 2, line 24; page 4, line 17; page 6, line 7; and page 7, line 13, before "all" insert "substantially".

3. On page 5, line 25, strike the new matter and reinstate the stricken matter.

4. On page 6, line 6, strike the first "(3)" and insert "(4)" and move lines 6 through 10 after line 19; and in line 11, strike the new matter and reinstate the stricken matter.

5. Renumber the sections accordingly.

(Signed) John W. DeCamp, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 29.

Introduced by Cullan, 49th District.

WHEREAS, Mrs. Eugenia Abbott Peterson was dedicated to the promotion and improvement of business and agriculture in the State of Nebraska and the communities of western Nebraska; and

WHEREAS, Mrs. Peterson served as a director of the Abbott Banks of Alliance and Hemingford and constantly strived for advancements in the banking industry for the benefit of Nebraska consumers; and

WHEREAS, Mrs. Peterson was instrumental in the creation and continuation of social, cultural, and religious organizations in western Nebraska communities; and

WHEREAS, Mrs. Peterson was a loving wife and mother devoted to the care of her husband and children; and

WHEREAS, Mrs. Peterson's contributions to the institutions of commerce, culture, and family will be greatly missed by the citizens of Nebraska; and

WHEREAS, Mrs. Peterson died on February 5, 1983.

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

1. That the Legislature acknowledges the many years of community service to Nebraska by Mrs. Peterson.

2. That the members of the Legislature express their warmest sympathy to the members of Mrs. Peterson's family with the hope that

the knowledge of her contributions to the community and to persons of Nebraska will serve as special consolation at this time of loss.

3. That a copy of this resolution be presented to Mrs. Peterson's husband, Mr. Carl A. Peterson, and her children.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 22, 29, 39, 52, 71, 116, 162, 163, and 274.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 52

ER0003

The following changes, required to be reported for publication in the Journal, have been made:

1. Because of the Beutler amendment, on page 4, line 25, " subsection " has been changed to " subdivision "; on page 5, line 4, the stricken comma has been reinstated and " or her " has been inserted after the reinstated "him"; on page 5, line 5, the stricken comma has been reinstated; and on page 5, line 17, " by the clerk of the district court " has been stricken.

(Signed) Tristi J. Wilson
E & R Attorney

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee agency budget hearing for the State Racing Commission has been changed from Friday, February 18 to Wednesday, February 23.

MESSAGE FROM THE GOVERNOR

February 8, 1983

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Nebraska Arts Council, requiring legislative confirmation:

Lucy Buntain, 6201 Andrew Court, Lincoln, Nebraska 68512, replaces David Meisenholder, term expired.
Albert T. Davis, OLO Ranch, Hyannis, Nebraska 69350, replaces Ida Paxton, term expired.
Ted Kooser, 1447 Washington Street, Lincoln, Nebraska 68502, replaces Jackie Sampson, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Lucy Buntain
Al Davis
Ted Kooser
Accountability and Disclosure Commission
Nebraska Arts Council
Department of Administrative Services

UNANIMOUS CONSENT - Print in Journal

Messrs. Sieck and V. Johnson asked unanimous consent to print the following amendment to LB 15 in the Journal. No objections. So ordered.

Proposed Substitute Amendment for Committee Amendment on LB 15

On page 2, line 17, before "No" insert: "A full time or part time employee of the district shall be eligible to serve as a member of the board of directors only upon terminating employment with the district, not later than the time of filing as a candidate for the board of directors."

UNANIMOUS CONSENT - Member Excused

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 65. Mr. H. Peterson renewed his pending motion found in the Journal on page 448 to indefinitely postpone.

Mr. Beuler moved the previous question. The question is, "Shall the debate now close?" The motion lost with 11 ayes, 14 nays, and 24 not voting.

Mr. H. Peterson moved for a Call of the House. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mr. H. Peterson requested a roll call vote on his motion.

Voting in the affirmative, 26:

Abboud	Barrett	Beyer	Chronister	Clark
Eret	Fenger	Goll	Haberman	Hefner
Higgins	Jacobson	Johnson, L.	Johnson, V.	Kahle
Labedz	Lamb	Lundy	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Remmers	Von Minden
Wagner				

Voting in the negative, 19:

Beutler	Carsten	Chambers	Cullan	Doyle
Fowler	Hannibal	Hoagland	Johnson, R.	Kilgarin
Landis	Marsh	Morehead	Rupp	Sieck
Vickers	Warner	Wesely	Wiitala	

Present and not voting, 3:

Goodrich	Pirsch	Schmit

Excused and not voting, 1:

DeCamp

The H. Peterson motion to indefinitely postpone prevailed with 26 ayes, 19 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Messrs. Schmit and Wesely asked unanimous consent to print the following amendment to LB 21 in the Journal. No objections. So ordered.

1. On page 4, line 10 after "location" insert "within the same river basin"; and in line 27 strike "applies" and insert "is proposed to be applied".

2. On page 5, lines 2 and 9 strike "interested"; in line 15 after "location" insert "is within the same river basin and"; in line 19 strike "used" and insert "transferred to the new location"; in line 21 strike "and"; in line 23 after "category" insert ",as the current use,"; and in line 23 strike "." and insert ";and"; and after line 23 insert:

"(5) The requested change is in the public interest.".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 82. Placed on Select File.

LEGISLATIVE BILL 83. Placed on Select File as amended.
E & R amendment to LB 83:
AM5018

1. On page 1, line 5, strike "commission" and insert "Commission on Mexican-Americans".

LEGISLATIVE BILL 34. Placed on Select File.

LEGISLATIVE BILL 104. Placed on Select File as amended.
E & R amendment to LB 104:
AM5019

1. On page 2, line 15, after "state" insert an underscored comma.

LEGISLATIVE BILL 194. Placed on Select File.

LEGISLATIVE BILL 195. Placed on Select File as amended.
E & R amendment to LB 195:
AM5020

1. In the Standing Committee amendments, page 1, line 3, after "contract" insert an underscored comma; and in line 7, strike the second comma.

(Signed) Rod Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 69. Title read. Considered.

Mr. Cullan asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved to indefinitely postpone LB 69.

The Chambers motion prevailed with 25 ayes, 11 nays, 9 present and not voting, and 4 excused and not voting.

VISITORS

Visitors to the Chamber were Bill Pitre from Omaha; Doug Martin from Tekamah; Don Rathman from Grand Island; Gary Thompson from Red Cloud; Jack Marlatt from Minden; Yvonne Deyle from Kearney; Art Anderson from Bloomfield; Oliver Rohde from Hamburg, West Germany; Arlo Wirth from Hartington; and Mrs. Betty Thiel.

ADJOURNMENT

At 11:48 a.m., on a motion by Mrs. Pirsch, the Legislature adjourned until 9:00 a.m., Friday, February 11, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIFTH DAY - FEBRUARY 11, 1983

LEGISLATIVE JOURNAL

TWENTY-FIFTH DAY - FEBRUARY 11, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 11, 1983

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Rev. Barrett Surrender, Pastor of Ebenezer United Church of Christ, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present Messrs. Beutler, Chambers, Fowler, Lamb, Landis, Newell, R. Peterson, Vickers, Wagner, Warner, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Fourth Day was approved.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 105. Indefinitely postponed.
LEGISLATIVE BILL 184. Indefinitely postponed.
LEGISLATIVE BILL 346. Indefinitely postponed.
LEGISLATIVE BILL 484. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 22
February 9, 1983

Dear Senator Wesely:

You have furnished us a copy of LB 338 which would authorize

the Department of Public Institutions to convey certain real estate located in the City of Lincoln to the County of Lancaster.

You have suggested that there are two proposed alternative methods of accomplishing this, one being a sale by land contract, and the other being a lease with an option to purchase arrangement. With respect to each of these alternatives, you ask our opinion as to their constitutionality given the requirements of Article XIII, Sections 1 and 3 of the Constitution of the State of Nebraska.

The provisions of Article XIII, Section 1, limit the indebtedness of the State of Nebraska to $100,000, and Section 3 prohibits the state from giving or loaning its credit.

In a situation where the State of Nebraska would be the potential seller and the County of Lancaster would be the potential buyer, we cannot envision a situation where the provisions of Article XIII, Section 1, dealing with a limitation on the indebtedness would arise.

With respect to the potential of a land contract conveyance, normally in such conveyances the seller contracts with the buyer for the sale of real property, the title remaining in the hands of the seller until the buyer has completed the periodic payments he has agreed to make in the land contract. There is no question in our minds that such a contractual arrangement would involve the lending of credit. The more specific question, however, is whether or not the prohibitions contained in Article XIII, Section 3 of the Nebraska Constitution apply to arrangements between the State of Nebraska and one of its political subdivisions, i.e., Lancaster County.

This constitutional provision provides as is pertinent "the credit of the state shall never be given or loaned in aid of any individual, association, or corporation, . . ." The question then becomes whether or not the County of Lancaster is an individual association or corporation. Constitutionally speaking, the County of Lancaster is a political subdivision of the State of Nebraska and it would appear as though a plain reading of Article XIII, Section 3 would not apply to the lending of the credit by the state to one of its own political subdivisions.

However, to avoid all questions on the matter we suggest strong consideration being given to entering into a lease arrangement with an option to purchase with the county. We believe that there could be no question that such an arrangement would violate Article XIII, Section 3 inasmuch as such an arrangement would involve Lancaster County paying periodic rental payments and being given an option to purchase the property for a prearranged price. In such an arrangement it could not be argued that the credit of the state would be extended, such rental payments being paid in advance and the giving of an option to purchase being nothing more than a contractual benefit for which consideration was given.

Therefore we would be of the opinion that while a land contract arrangement would raise certain questions in our mind as to its constitutional validity, we do not believe that such would be the case where the sale were accomplished by a lease with option to purchase and

we suggest that such would be the more prudent arrangement. If we can be of further assistance to you on this matter, please let us know.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:kkh
cc: Patrick J. O'Donnell
Clerk of the Legislature

NOTICE OF COMMITTEE HEARING
Government, Military & Veterans Affairs

LB 606 Thursday, March 10, 1983 1:30 p.m.

(Signed) David Landis, Chairperson

MESSAGES FROM THE GOVERNOR

February 9, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 1 was received in my office on February 7, 1983.

The bill was signed by me on February 9, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

February 9, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 2 was received in my office on February 7, 1983.

This bill was signed by me on February 9, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

February 9, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 3 was received in my office on February 7, 1983.

This bill was signed by me on February 9, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

RESOLUTIONS

LEGISLATIVE RESOLUTION 30.

Introduced by Nichol, 48th District.

WHEREAS, kidney disease is a major health problem in Nebraska and the United States; and

WHEREAS, seventy-five thousand Nebraskans and thirteen million people in the United States suffer from kidney-related diseases. Nationally, seventy-eight thousand people die each year from end-stage renal diseases; and

WHEREAS, close to fifty-one thousand people nationally including three hundred Nebraskans must depend on the artificial kidney machine to maintain life; and

WHEREAS, fifteen thousand people nationally including thirty to forty Nebraskans are on the waiting list to receive a kidney transplant; and

WHEREAS, fifty to sixty kidney transplants are performed in

Nebraska each year and four thousand five hundred to five thousand are performed nationally each year; and

WHEREAS, additional organs, such as the heart, lung, and pancreas, are needed for transplantation.

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

That the Nebraska Legislature encourages Nebraskans to sign and carry the Uniform Organ Donor card, authorizing the use of ones' kidneys and other organs for transplantation after death, thus giving the Gift of Life.

Laid over.

LEGISLATIVE RESOLUTION 29. Read. Considered.

LR 29 was adopted with 27 ayes, 0 nays, and 22 not voting.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 215. Placed on General File as amended.
Standing Committee amendments to LB 215:
AM0256

1. On page 2, line 13, after "security" insert ", except that an attorney licensed to practice law in this state who, in connection with a real estate transaction, examines the title and issues a title insurance policy to or on behalf of a client, and who in doing so, acts consistently with the ethical standards applicable to the legal profession in this state, shall not be deemed to be a producer of title business".
2. On page 4, line 1, strike "(10)" and insert "(9)".

(Signed) John DeCamp, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 62A. By Wiitala, 31st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 62, Eighty-eighth Legislature, First Session, 1983.

SELECT FILE

LEGISLATIVE BILL 193. Mr. V. Johnson renewed his pending amendment found in the Journal on page 434.

The amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Carsten asked unanimous consent to pass over LB 193. No objections. So ordered.

LEGISLATIVE BILL 15. Messrs. Sieck and V. Johnson renewed their pending amendment found in the Journal on page 464.

Mr. Hoagland offered the following amendment to the Sieck-V. Johnson amendment:

Amend the Sieck amendment by striking "filing as a candidate" and substituting "taking office as a member"

Pending.

Mr. Hoagland asked unanimous consent to pass over LB 15. No objections. So ordered.

LEGISLATIVE BILL 21. E & R amendments, AM5015, found in the Journal on page 438 for the Twenty-Second Day were adopted.

Messrs. Schmit and Wesely renewed their pending amendment found in the Journal on page 465.

The Schmit-Wesely amendment was adopted with 25 ayes, 3 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Hoagland asked unanimous consent to pass over LB 21.

Mr. Schmit objected.

Mr. Hoagland moved to pass over LB 21.

Mr. Hoagland asked unanimous consent to withdraw his pending motion to pass over.

NOTICE OF COMMITTEE HEARING
Judiciary

LB 320 Tuesday, February 22, 1983 1:30 p.m.

(Signed) Chris Beutler, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 10, 1983. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Buechler, Gerald B., Jr. - Lincoln, Information Technology, Inc.
Bare, Nancy - Lincoln, Junior League of Lincoln
Cutshall, Bruce A. - Lincoln, First National Bank & Trust Company of Lincoln
Derr, J. Russell - Lincoln, Nebraska Republican Party
Foley, John C. - Des Moines, IA, Hawkeye Bancorporation
Hughes, J. Michael - Lincoln, Lincoln Beverage Association
Mehmken, Roy E. - Lincoln, Alliance of American Insurers; Nebraska Recreational Detectors Association
Nelson, Nette A. - Lincoln, (withdrawn 2-10-83), Associated Students of the University of Nebraska
Noren, Charles F. - Lincoln, Hawkeye Bancorporation
Ogle, Jeffery K. - Omaha, Douglas County Republican Party
Olmer, Marilyn - Lincoln, Nebraska Coalition for Life
Pierson, David C. - Lincoln, (withdrawn 2-1-83), Nebraska Realtors Association
Quick, Arlis A. - Lincoln, Junior League of Lincoln
Ryan, James E. - Lincoln, Coin Operated Industries of Nebraska; Coldwell Bankers; Educational Investors, Inc.; Nebraska Association of Tobacco Distributors; Nebraska Motor Carriers' Association
Tews & Radcliffe:
Radcliffe, Walter H. - Lincoln, Nebraska State National Hairdressers & Cosmetologists Association; Nebraskans for Sensible Abstract Laws
Welch, Jay L. - Omaha, Nebraska Auto & Truck Salvage, Inc.
Williams, Patricia K. - Lincoln, The Security Mutual Life Insurance Company of Lincoln, Nebraska
Wilson, Stanley F. - Lincoln, Digital Products Corporation
Wiseman, Brenda L. - Lincoln, Alcoholism Council of Nebraska

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 208. Placed on General File.

LEGISLATIVE BILL 78. Placed on General File as amended.
Standing Committee amendments to LB 78:

AM0184

1. On page 2, strike beginning with "Recommendation" in line 3 through "that" in line 4 and insert "A plea agreement shall mean that as a result of a discussion between the defense counsel and the county attorney"; in line 5 after "charge" insert "is to"; in line 7 strike "receives" and insert "shall receive"; strike beginning with "has" in line 9 through "offense" in line 10 and insert ", as a result of a homicide, as defined in sections 28-302 to 28-306, a first degree sexual assault, as defined in section 28-319, a first degree assault, as defined in section 28-308, or a robbery, as defined in section 28-324, has had a personal confrontation with the offender. In the case of a homicide, victim shall mean at least one family representative"; and strike lines 21 through 27 and insert "Prior to reaching a plea agreement with defense counsel, the county attorney shall consult with or make a good faith effort to consult with the victim regarding the content of and reasons for such plea agreement.".

2. On page 3, strike lines 1 through 3.

3. On page 5, strike beginning with "may" in line 21 through "must" in line 23 and insert "shall also"; strike line 25; and in line 26 strike "(b)" and insert "(a)".

4. On page 6, line 1, strike "(c)" and insert "(b)"; strike beginning with the first comma in line 11 through "recommendation" in line 12; and in line 14 strike "terms" and insert "term", and strike "and recommendation".

LEGISLATIVE BILL 277. Placed on General File as amended.
Standing Committee amendment to LB 277:
AM0185

1. On page 2, line 6, after "denials" insert "which are frivolous or", and after "made" insert "in bad faith"; in line 7 strike beginning with "without"; through "untrue" and show as striken; in line 8 after "party" insert "or attorney"; in line 12 strike "untrue"; and show as stricken, and after the period insert "If a pleading is frivolous or made in bad faith, it may be stricken. The signature of a party or of an attorney on a pleading constitutes a certificate by him or her that he or she has read the pleading; that to the best of his or her knowledge, information, and belief there is good ground for the filing of the pleading; and that it is not interposed for delay.".

LEGISLATIVE BILL 374. Placed on General File as amended.
Standing Committee amendments to LB 374:
AM0216
1. On page 3, line 8, reinstate the stricken matter; strike lines 9 and 10; and in line 11 strike the new matter and reinstate the stricken matter.
2. On page 4, line 11, reinstate the stricken matter; and strike beginning with the underscored semicolon in line 21 through "tournament" in line 27.

LEGISLATIVE BILL 4. Indefinitely postponed.
LEGISLATIVE BILL 86. Indefinitely postponed.
LEGISLATIVE BILL 221. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 240. Placed on General File as amended.
Standing Committee amendments to LB 240:
AM0257
1. On page 2, lines 10 and 12, after bank insert ", industrial loan and investment company,".
2. On page 2, line 13; page 5, lines 1, 23, and 24; and page 6, lines 1 and 2, after "bank" insert "or industrial loan and investment company".

(Signed) John W. DeCamp, Chairperson

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 532	Tuesday, February 22, 1983 (Cancelled)	1:30 p.m.
LB 306	Wednesday, February 23, 1983 (Cancelled)	1:30 p.m.
LB 532	Wednesday, February 23, 1983 (Reset)	1:30 p.m.
LB 487	Wednesday, February 23, 1983	1:30 p.m.
LB 205	Monday, February 28, 1983	1:30 p.m.
LB 312	Monday, February 28, 1983	1:30 p.m.
LB 358	Monday, February 28, 1983	1:30 p.m.
LB 538	Monday, February 28, 1983	1:30 p.m.
LB 589	Tuesday, March 1, 1983	1:30 p.m.
LB 447	Tuesday, March 1, 1983	1:30 p.m.
LB 448	Tuesday, March 1, 1983	1:30 p.m.
LB 405	Tuesday, March 1, 1983	1:30 p.m.
LB 373	Tuesday, March 1, 1983	1:30 p.m.

LB 392	Wednesday, March 2, 1983	1:30 p.m.
LB 443	Wednesday, March 2, 1983	1:30 p.m.
LB 420	Wednesday, March 2, 1983	1:30 p.m.
LB 351	Monday, March 7, 1983	1:30 p.m.
LB 440	Monday, March 7, 1983	1:30 p.m.
LB 464	Monday, March 7, 1983	1:30 p.m.
LB 555	Monday, March 7, 1983	1:30 p.m.
LB 563	Tuesday, March 8, 1983	1:30 p.m.
LB 598	Tuesday, March 8, 1983	1:30 p.m.
LB 510	Tuesday, March 8, 1983	1:30 p.m.
LB 511	Tuesday, March 8, 1983	1:30 p.m.
LB 183	Wednesday, March 9, 1983	1:30 p.m.
LB 441	Wednesday, March 9, 1983	1:30 p.m.
LB 547	Wednesday, March 9, 1983	1:30 p.m.
LB 525	Wednesday, March 9, 1983 (Room 1520)	7:00 p.m.
LB 399	Wednesday, March 9, 1983 (Room 1520)	7:00 p.m.
LB 507	Wednesday, March 9, 1983 (Room 1520)	7:00 p.m.
LB 403	Monday, March 14, 1983	1:30 p.m.
LB 425	Monday, March 14, 1983	1:30 p.m.
LB 499	Monday, March 14, 1983	1:30 p.m.
LB 455	Tuesday, March 15, 1983	1:30 p.m.
LB 489	Tuesday, March 15, 1983	1:30 p.m.
LB 501	Tuesday, March 15, 1983	1:30 p.m.
LB 569	Wednesday, March 16, 1983	1:30 p.m.
LB 591	Wednesday, March 16, 1983	1:30 p.m.
LB 592	Wednesday, March 16, 1983	1:30 p.m.
LB 593	Wednesday, March 16, 1983	1:30 p.m.

(Signed) Chris Beutler, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 23
February 9, 1983

Dear Senator Sieck:

This is in reply to your request for an opinion interpreting Neb.Rev.Stat. §§23-148 and 23-149 (Reissue 1977) and particularly whether under said sections a county less than 10,000 population may legally vote to have five county commissioners instead of three. You

state that you are considering legislation to permit such action, if our interpretation is in the negative.

As we conveyed to you earlier, from a brief look at the legislative history, in 1891 the portions which now constitute §§23-148 and 23-149 were all part of the same statute. What is now §23-148 had no minimum on the size of counties which could vote to change from a three-commissioner to a five-commissioner county and what is now §23-149 set forth the procedure for putting the issue on the ballot.

We have researched the legislative history further and find the following: Some time prior to 1943, the portion which is now §23-148 was amended. The revised statutes of 1943 provided as to §23-148 that in counties having not more than 125,000 inhabitants, the Board of County Commissioners should consist of three persons but the electors could vote to increase it to five; in other words, there was no bottom limit on the population as to counties which could vote to switch to five. The portion which is now §23-149 remained the same as to the procedure as it was in 1891, providing that the question would be put on the ballot by a petition signed by not less than 200 electors.

By the laws of 1947, Chapter 62, Section 2, Page 197, §23-148 was again amended to provide that "the electors in any county containing more than 60,000 inhabitants and not more than 200,000 inhabitants, may vote at any general election as to whether the county board shall consist of three or five commissioners."

In 1957, by LB 337, Laws of 1957, Chapter 60, Section 1, Page 278, the wording in the present statute was added to §23-148 that "Provided, the electors in any county containing more than 10,000 inhabitants and not more than 200,000 inhabitants, may vote at any general election as to whether their county board shall consist of three or five commissioners."

The title to said act provided, "to provide that in counties containing more than 10,000 inhabitants and not more than 200,000 inhabitants, the electors therein may vote at a general election as to whether their county board shall consist of three or five commissioners as prescribed; and to repeal the original section."

During all of this time, the provision of the portion which is now §23-149 as to the procedure for putting the question on the ballot by 200 signatures has never been amended.

Significant also, is that the procedure outlined at the beginning of §23-149 merely refers to "the question" and "said question" which obviously, in the light of the history, refers to the question of changing from three to five commissioners as provided in §23-148 with its limitations, and is not an independent provision as it might appear at first glance.

It is therefore our opinion that the Legislature has clearly intended that the electors in counties having not more than 10,000 inhabitants may not legally vote to change from three to five commissioners.

Very truly yours,

PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:cmb:w2
cc: Patrick J. O'Donnell
Clerk of the Legislature

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 70. Placed on General File.
LEGISLATIVE BILL 165. Placed on General File.
LEGISLATIVE BILL 210. Placed on General File.
LEGISLATIVE BILL 313. Placed on General File.

LEGISLATIVE BILL 223. Placed on General File as amended.
Standing Committee amendments to LB 223:
AM0265

1. On page 2, line 19, strike "who" and show as stricken; and strike beginning with "have" in line 20 through "act" in line 21.

2. On page 11, line 22, after the period insert: "Upon such retirement he or she shall be entitled to receive the retirement annuity as provided in section 24-710."; and after "any" insert "such associate county".

3. On page 12, line 1, after the second "the" insert "associate county".

(Signed) Steve Fowler, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 20. Placed on Select File.
LEGISLATIVE BILL 30. Placed on Select File.

LEGISLATIVE BILL 149. Placed on Select File as amended.
E & R amendment to LB 149:
AM5021

1. On page 2, line 6, strike "provided" and insert "if".

LEGISLATIVE BILL 367. Placed on Select File.
LEGISLATIVE BILL 401. Placed on Select File.

LEGISLATIVE BILL 413. Placed on Select File.

LEGISLATIVE BILL 87. Placed on Select File as amended.
E & R amendment to LB 87:
AM5022

1. On page 1, line 1, strike "section" and insert "sections 71-201, 71-202.01, 71-204, 71-208.02, 71-210, 71-211, 71-216, 71-216.01, 71-217, and"; in line 5, strike "and cosmetologists" and after the semicolon insert "to eliminate apprentice barbers; to change provisions relating to barber instructors and examinations; to harmonize provisions; to provide an additional ground for denial or revocation of registration;"; and in line 7, strike "section" and insert "sections, and also sections 71-201.02, 71-205, 71-205.01, 71-206, 71-213, and 71-214, Reissue Revised Statutes of Nebraska, 1943".

LEGISLATIVE BILL 81. Placed on Select File as amended.
E & R amendment to LB 81:
AM5023

1. On page 1, line 1, strike "and 23-1734"; in line 5 strike beginning with "to" through the second semicolon; and in line 6 strike "sections" and insert "section".

Correctly Engrossed

The following bill was correctly engrossed: 58.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Fenger asked unanimous consent to print the following amendment to LB 413 in the Journal. No objections. So ordered.

AM0258

1. On page 2, lines 4 and 20, strike "1987" and insert "1984"; and in line 21 strike "1988" and insert "1985"; and in line 25 strike "section 81-197"; and insert "sections 81-197 and 81-1,103".

2. Insert a new section as follows:

"Sec. 2. That section 81-8,103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1,103. ~~Not~~ Except for the agencies, boards, and commissions in section 81-197, not more than

one such agency, board, or commission shall be continued or reestablished in any one legislative bill, and such agency, board, or commission shall be mentioned in the title.".

3. Renumber remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 15. Messrs. Sieck and V. Johnson asked unanimous consent to withdraw their amendment found in the Journal on page 464. No objections. So ordered.

Mr. Clark requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 13 nays, 9 present and not voting, and 2 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 29.

SELECT FILE

LEGISLATIVE BILL 111. E & R amendment, AM5006, found in the Journal on page 393 for the Nineteenth Day was adopted.

Mr. V. Johnson offered the following amendment:
AM0212

1. On page 3, line 2, strike beginning with "for" through "payment"; in line 14 after "default"; insert ", or any other performance necessary to cure the default and the date by which such performance must be tendered"; strike beginning with "consisting" in line 16 through the comma in line 17; in line 24 strike beginning with "consisting" through "payment"; and in line 26 after "charges" insert", or by tendering any other performance necessary to cure the default as specified in the notice of right to cure".

The V. Johnson amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 21. Mr. Hoagland asked unanimous consent to withdraw his pending amendments, AM0149, AM0171, and AM0170

found in the Journal on page 414. No objections. So ordered.

Mr. Hoagland offered the following amendment:
AM0275

1. Strike the Committee amendments, Schmit amendment and E & R amendment 1.

2. On page 4, line 12, after "use" insert "for use by a municipality" and in line 27 strike "applies" and insert "is proposed to be applied".

3. On page 5, lines 2 and 9, strike "interested"; in line 16 after "not" insert "significantly", and strike "appropriators" and insert "appropriator and will not significantly adversely affect any other water user who files an objection with the department prior to the hearing and demonstrates a significant adverse effect on his or her use"; in line 19 strike "used" and insert "transferred"; in line 21 strike "and"; in line 23 after "category" insert an underscored comma and before the period insert ", as the current use or to a use by municipality;

(5) The water to be transferred will be used in the same river basin, as defined in section 46-288, as the current use, except that the water may be used in a different river basin if:

(a) The water will be used by a municipality;

(b) Both the current use and the proposed use are within the boundaries of the same irrigation district, mutual irrigation company, reclamation district, public power and irrigation district, or irrigation project area of a natural resources district; or

(c) The water will be used on land adjoining, and under the same ownership as, the land on which the current use takes place; and

(6) The requested change is in the public interest.

In the case of a requested change of use for use by a municipality, the director may approve a change in the point of diversion"; and in line 26 strike "(4)" and insert "(6)".

Passed over.

GENERAL FILE

LEGISLATIVE BILL 114. Title read. Considered.

MR. CLARK PRESIDING

Advanced to E & R for Review with 27 ayes, 4 nays, 17 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 62. Mr. Wiitala requested to pass over.

LEGISLATIVE BILL 203. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 201. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 1 nay, 21 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 488. Title read. Considered.

Standing Committee amendments, AM0096, found in the Journal on page 391 for the Nineteenth Day were adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 135. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 291. Title read. Considered.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Education

Governor's Appointment, Tuesday, February 15, 1983 1:30 p.m.
Gerald D. Koch, Executive Director of Omaha Suburban Area Council of Schools, Ralston, NE

Governor's Appointments, Monday, March 7, 1983 1:30 p.m.
Dr. Ramey Whitney, Coordinating Commission for Postsecondary

Education, 1482 5th Street, Chappel, NE 69129

LeRoy Trofholz, Coordinating Commission for Postsecondary Education, 1303 Colfax, Schuyler, NE 68661

(Signed) Tom Vickers, Chairperson

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 281. Placed on General File as amended.
Standing Committee amendments to LB 281:
AM0208

1. Strike original section 1 and insert the following new section:

"Sec. 3. That section 19-4205, Revised Statutes Supplement, 1982, be amended to read as follows:

19-4205. Within ten days after the filing of the petition, the city or village clerk shall ascertain whether or not the petition is signed by the requisite number of registered voters, and shall attach thereto his or her certificate showing the result of such examination. Upon the filing of a petition or supplementary petition a city or village, upon passage of a resolution by the governing body of such city or village, and the county clerk or election commissioner of the county in which such city or village is located may by mutual agreement provide that the county clerk or election commissioner shall ascertain whether the petition or supplementary petition is signed by the requisite number of registered voters. If the petition be insufficient, he or she shall forthwith notify the person filing the petition that the petition may be amended at any time within ten days after the giving of such notice by the filing of a supplementary petition upon additional petition papers issued, signed, and filed as provided for the original petition. The city or village clerk shall, within five days after such amendment, examine the amended petition, and attach his or her certificate thereto as in the case of the original petition. If his or her certificate shall show the amended petition to be insufficient, or if no amendment was made, he or she shall file the petition in his or her office without prejudice to the filing of a new petition for the same purpose.".

2. On page 3, line 17, strike "may"; in line 18 strike "require" and insert "and"; and in line 20

strike "to" and insert "may by mutual agreement provide that the county clerk or election commissioner shall".

3. On page 4, line 18, strike "may"; in line 18 strike "require" and insert "and"; and in line 21 strike "to" and insert "may by mutual agreement provide that the county clerk or election commissioner shall".

4. On page 5, line 1, strike "18-2518" and insert "19-4205".

5. Renumber original sections 2 and 3 as sections 1 and 2 respectively.

(Signed) Dave Newell, Chairperson

Education

LEGISLATIVE BILL 445. Placed on General File as amended.
Standing Committee amendments to LB 445:
AM0244

1. On page 3, line 6, after "provide" insert "or contract for the provision of"; strike beginning with "for" in line 13 through the period in line 15 and insert ". All revenue and expenditures directly related to the transportation of school children and any other persons the school district may be authorized by law to transport shall be placed in or made from the special fund."; in line 18 after the period insert "The State Department of Education shall adopt and promulgate rules and regulations governing the accounting of such funds."; and in line 19 strike "may" and insert "shall".

2. Insert the following new section:

"Sec. 6. The provisions of this act shall become operative on September 1, 1984.".

3. Renumber original section 6 as section 7.

LEGISLATIVE BILL 257. Indefinitely postponed.

(Signed) Tom Vickers, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 241. Placed on General File as amended.
Standing Committee amendments to LB 241:
AM0261

1. On page 2, line 10, after "convert" insert "or merge"; and in line 13 after "bank" insert "or any institution under its supervision".

2. On page 3, line 5, after the period insert "In considering an application under this section, the

director shall authorize transactions considering the following priorities:

(1) First, between depository institutions of the same type; and

(2) Second, between depository institutions of different types.".

(Signed) John W. DeCamp, Chairperson

GENERAL FILE

LEGISLATIVE BILL 59. Title read. Considered.

Standing Committee amendment, AM0148, found in the Journal on page 395 for the Twentieth Day was considered.

Mr. Carsten moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Carsten requested a roll call vote on the Standing Committee amendment.

Voting in the affirmative, 27:

Beutler	Carsten	Cullan	DeCamp	Doyle
Fowler	Hefner	Higgins	Hoagland	Jacobson
Johnson, V.	Kahle	Kilgarin	Labedz	Landis
Lundy	Marsh	Morehead	Newell	Pirsch
Rupp	Sieck	Vickers	Wagner	Warner
Wesely	Wiitala			

Voting in the negative, 19:

Abboud	Barrett	Beyer	Chronister	Clark
Eret	Fenger	Goll	Haberman	Hannibal
Johnson, L.	Johnson, R.	Lamb	Nichol	Pappas
Peterson, H.	Peterson, R.	Remmers	Von Minden	

Present and not voting, 1:

Goodrich

Excused and not voting, 2:

Chambers Schmit

The Standing Committee amendment was adopted with 27 ayes, 19 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Hefner renewed his pending amendment found in the Journal on page 450.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

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.

Mr. Hefner moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Hefner requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Abboud	Barrett	Beyer	Chronister	Cullan
DeCamp	Doyle	Eret	Goll	Goodrich
Haberman	Hannibal	Hefner	Johnson, L.	Johnson, R.
Kahle	Lundy	Pappas	Peterson, H.	Remmers
Sieck				

Voting in the negative, 22:

Beutler	Carsten	Clark	Fowler	Hoagland
Jacobson	Johnson, V.	Kilgarin	Labedz	Lamb
Landis	Marsh	Morehead	Newell	Nichol
Peterson, R.	Rupp	Vickers	Von Minden	Wagner
Warner	Wiitala			

Present and not voting, 5:

Fenger	Higgins	Pirsch	Schmit	Wesely

Excused and not voting, 1:

Chambers

The Hefner amendment lost with 21 ayes, 22 nays, 5 present and not voting, and 1 excused and not voting.

NOTICE OF COMMITTEE HEARING
Constitutional Revision and Recreation

(Signed) Bernice Labedz, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendments to LB 306 in the Journal. No objections. So ordered.

AM0047

1. On page 2, line 17, insert after the underscored period "This subsection shall apply to every motor vehicle which is equipped with seat safety belts or is required to be equipped with restraint systems pursuant to Federal Motor Vehicle Safety Standard 208 except taxicabs, mopeds, motorcycles, and any motor vehicles designated by the manufacturer as a 1963 year model or earlier which is not equipped with a seat safety belt.".

2. On page 3, strike beginning with "The court" in line 6 through "system." in line 9 and insert "Any person who is charged with a violation of subsection (1) of section 2 of this act, who does not have in his or her possession a child restraint system meeting the requirements of Federal Motor Vehicle Safety Standard 213 as of the effective date of this act, and who subsequently purchases or rents such a system prior to his or her court appearance, shall, upon presentation of proof of purchase or rental of such a system, be able to utilize such presentation as an absolute defense and cause for dismissal of such charge.".

AM0188

1. On page 3, line 5, after the underscored period insert "The failure to provide a child restraint system for more than one child in the same vehicle at the same time, as required in subsection (1) of section 2 of this act, shall not be treated as a separate offense."; and in line 15, after the underscored period insert "The failure to produce the required statement for more than one child in the same vehicle at the same time, as required in subsection (2) of section 2 of this act, shall not be treated as a separate offense.".

MOTION - Reconsider Action on LB 65

Mr. V. Johnson moved to reconsider the indefinitely postponement of LB 65.

Laid over.

STANDING COMMITTEE REPORT
Banking, Commerce & Insurance

LEGISLATIVE BILL 299. Placed on General File as amended.
Standing Committee amendment to LB 299:
AM0262

1. On page 2, strike beginning with "invest"; in line 3 through "to" in line 6; in line 7 after "transactions" insert "(1) in foreign currency" and strike "purchase or"; in line 8 after sale insert "or purchase"; in line 9 strike "in (1)" and insert ", or (2) in (a)" and strike "(2)" and insert "(b)"; in line 10 strike "(3)" and insert "(c)"; in line 11 after "of"; insert "securities eligible for investment under section 44-309 as long as such"; in line 12 after "rights"; insert "are"; in line 14 after "States" insert "and the aggregate amount of securities with respect to which hedging transactions are in effect at any one time shall not exceed five per cent of the total admitted assets of the insurance company as shown by the latest annual statement on file with the Department of Insurance. For the purposes of this section, a bona fide hedging transaction shall mean a sale or purchase of foreign currency or of such contract, option, or right, as the case may be,"; and in line 15 after "in" insert "foreign currency exchange rates or" and strike "an obligation"; and insert "securities owned or".

(Signed) John W. DeCamp, Chairperson

VISITORS

Visitors to the Chamber were Mr. and Mrs. Rolland Skinner; and Rosemary Fogarty.

ADJOURNMENT

At 12:04 p.m., on a motion by Mr. Kahle, the Legislature adjourned until 10:00 a.m., Monday, February 14, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SIXTH DAY - FEBRUARY 14, 1983

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 14, 1983

Pursuant to adjournment, the Legislature met at 10:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. G. L. Collins, Mt. Zion Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Carsten and Lamb who were excused; and Messrs. Fowler, V. Johnson, Newell, and Mrs. Marsh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Fifth Day was approved.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 53. Placed on General File.

LEGISLATIVE BILL 19. Placed on General File as amended.
Standing Committee amendment to LB 19:
AM0250
1. On page 12, line 15, strike "twenty-five" and insert "fifteen"; and in line 17 strike "one dollar" and insert "fifty cents".

LEGISLATIVE BILL 154. Placed on General File as amended.
Standing Committee amendment to LB 154:
AM0251
1. On page 3, line 22, strike "$100.00" and insert "$50.00"; and in line 24 strike "$1,500" and insert "$750".

LEGISLATIVE BILL 127. Indefinitely postponed.

The Agriculture and Environment Committee reports unfavorably upon the appointment listed below. Mr. William Metzger appeared before the Agriculture and Environment Committee on January 27, 1983.

On February 9, 1983, an Executive Session was held and in that session, the motion was made and duly seconded not to confirm the appointment. The vote was as follows:

William Metzger - Gasohol Committee

Voting aye: Senators Eret, Pappas, R. Peterson, Remmers, Wiitala, and Haberman. Voting nay: None. Absent: Senators Chronister and Pirsch.

(Signed) Rex Haberman, Chairperson

MOTION - Proposed Rule Change

Mr. Von Minden moved to amend Rule 3 by adding the following new section and renumbering the remaining sections accordingly:

Section 10. Conduct During Committee Hearing. No member, staff, media representative, or individual shall smoke or otherwise consume tobacco products during a committee hearing or while the Committee conducts an Executive Session within the hearing room assigned to that Committee for such purpose.

Laid over.

MESSAGE FROM THE GOVERNOR

February 10, 1983

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:

Donald N. Dworak, Director, Department of Economic Development

Respectfully submitted,
(Signed) ROBERT KERREY
Governor

cc: Donald N. Dworak
Accountability and Disclosure Commission
Department of Administrative Services

UNANIMOUS CONSENT - Print in Journal

Mr. Barrett asked unanimous consent to print the following amendment to LB 248 in the Journal. No objections. So ordered.

AM0260
1. In the committee amendment, in line 4 after "subdivision" insert "(h)(3) of this section".
2. On page 29, line 20, strike "this"; in line 21 after "subdivision" insert "(h)(3) of this section"; and in line 27 strike "this".

REPORT

Received annual report from the Nebraska State Board of Landscape Architects for fiscal year 1981-82.

Received annual report from the Nebraska Energy office in accordance with Section 81-1607.

MOTION - Return LB 60 to Select File

Mrs. Pirsch moved to return LB 60 to Select File for the following specific amendment:

On page 2, lines 9-11, strike the original language and insert the following:

"(2) Person having control of the disposition of the decedent's remains pursuant to section 71-1339, in the absence of actual notice of contrary indications by the decedent, gives permission for such removal; and"

Mr. Nichol 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 32 ayes, 0 nays, and 17 not voting.

The motion to return lost with 17 ayes, 24 nays, 4 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 60.

A BILL FOR AN ACT relating to public health and welfare; to provide for the removal and donation of eye tissue during an autopsy 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, 31:

Barrett	Chronister	Clark	DeCamp	Eret
Fowler	Goodrich	Haberman	Hannibal	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Landis	Lundy
Morehead	Newell	Nichol	Pappas	Rupp
Sieck	Vickers	Von Minden	Warner	Wesely
Wiitala				

Voting in the negative, 12:

Beyer	Chambers	Cullan	Doyle	Fenger
Goll	Labedz	Peterson, H.	Peterson, R.	Pirsch
Remmers	Wagner			

Present and not voting, 3:

Abboud	Beutler	Schmit

Excused and not voting, 3:

Carsten	Lamb	Marsh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 66. With Emergency.

A BILL FOR AN ACT to amend section 81-885.04, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Real Estate License Act of 1973; to provide an exception; 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:

Abboud	Barrett	Beutler	Beyer	Chambers
Chronister	Clark	Cullan	DeCamp	Doyle
Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala				

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 2:

Carsten Lamb

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 143. With Emergency.

A BILL FOR AN ACT to amend section 21-17,120.01, Revised Statutes Supplement, 1982, relating to credit unions; to revise the powers of credit unions; 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:

Abboud	Barrett	Beutler	Beyer	Chambers
Chronister	Clark	Cullan	DeCamp	Doyle
Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland

Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala				

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 2:

Carsten Lamb

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 144. With Emergency.

A BILL FOR AN ACT to amend section 8-355, Revised Statutes Supplement, 1982, relating to building and loan associations; to provide the same advantages as federal savings and loan associations; 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:

Abboud	Barrett	Beutler	Beyer	Chambers
Chronister	Clark	Cullan	DeCamp	Doyle
Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala				

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 2:

Carsten Lamb

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 177. With Emergency.

A BILL FOR AN ACT to amend section 8-147, Revised Statutes Supplement, 1982, relating to banks and banking; to eliminate a restriction on the transfer of certain assets; 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:

Abboud	Barrett	Beyer	Chambers	Chronister
Clark	Cullan	DeCamp	Doyle	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Landis	Lundy	Marsh	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Beutler Higgins

Excused and not voting, 2:

Carsten Lamb

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 182.

A BILL FOR AN ACT to amend sections 81-885.01 to 81-885.07, 81-885.09 to 81-885.15, 81-885.17 to 81-885.20, 81-885.22, 81-885.25, 81-885.28, 81-885.29, 81-885.33 to 81-885.35, 81-885.38, 81-885.43, 81-885.44, 81-885.46, and 81-885.47, Reissue Revised Statutes of Nebraska, 1943, and section 81-885.24, Revised Statutes Supplement, 1982, relating to real estate licenses; to harmonize provisions; to change the powers of the State Real Estate Commission; to change fees; to change provisions relating to nonresident licenses, unfair trade practices, and hearings; to rename an act; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Barrett	Beyer	Chronister	Clark
Cullan	DeCamp	Doyle	Eret	Fenger
Fowler	Goll	Goodrich	Haberman	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kilgarin	Labedz	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Wiitala	

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Chambers	Kahle

Excused and not voting, 2:

Carsten	Lamb

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 197.

A BILL FOR AN ACT relating to consumer reporting agencies; to require agencies to provide copies of consumer reports as prescribed; and to provide a penalty.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Barrett	Beutler	Beyer	Chambers
Chronister	Clark	Cullan	DeCamp	Doyle
Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala				

Voting in the negative, 0.

Present and not voting, 1:

Sieck

Excused and not voting, 2:

Carsten Lamb

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 29 in the Journal. No objections. So ordered.

Amendments to LB 29 (Final Reading Copy)
Page 2, line 8, strike "not to exceed forty acres"
Page 2, line 4, following "lands", insert, "not exceeding forty acres",

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 417. Placed on General File.
LEGISLATIVE BILL 541. Placed on General File.

LEGISLATIVE BILL 48. Indefinitely postponed.

(Signed) George Fenger, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 11, 23, 33, 50, 88, 101, 138, 139, and 245.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 50

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Newell amendment on page 458 of the Journal, new section 2, in line 1, "That on" has been stricken and "On" inserted, and after "1983" a comma has been inserted; in line 2, "'One-quarter" has been stricken and "one-quarter" has been inserted; and underscoring has been added to new section 2.

2. Original sections 2 and 3 have been renumbered as 3 and 4 respectively.

(Signed) Tristi J. Wilson
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Cullan asked unanimous consent to print the following amendments to LB 404 in the Journal. No objections. So ordered.

AM0313

1. On page 4, reinstate the stricken matter in lines 17 and 18; and strike the new matter in lines 18 and 19.

AM0274

1. On page 4, in lines 22 and 26, after "used" insert "for capital construction and renovation".

2. On page 13, line 21, strike "four" and insert "three".

3. Insert the following new section:

"Sec. 22. That section 77-2608, Reissue

Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2608. The Tax Commissioner shall prepare and have suitable stamps for use on each kind of piece or package of cigarettes, except where cigarette tax meter impressions are affixed. Requisition for the preparation of such stamps shall be made through the office of the State Purchasing Agent as other state supplies are requisitioned, and the Tax Commissioner and ~~his bondsman~~ the person with whom he or she is bonded shall be liable for the value of all such stamps delivered to him or her. The Auditor of Public Accounts shall audit annually or as often as the auditor deems advisable the records of the Tax Commissioner with respect to the money received from the sale of stamps and as revenue from tax meter impressions for the purpose of determining the accuracy and correctness of the same. The Tax Commissioner shall sell the stamps only to licensed wholesale dealers, as defined in section 77-2601, and he or she shall keep an accurate record of all stamps coming into and leaving his or her hands. Such stamps shall be sold and accounted for at the face value thereof, except that the Tax Commissioner may, by regulation certified to the State Treasurer, authorize the sale thereof to wholesale dealers in this state or outside of this state at a discount of ~~five~~ three per cent of such face value of the tax as a commission for affixing and canceling such stamps; PROVIDED, that any wholesale dealer using a tax meter machine shall be entitled to the same discount as allowed a wholesale dealer for affixing and canceling the stamps. The money received by the Tax Commissioner from the sale of said stamps and as revenue from such tax meter impressions shall be deposited by him or her daily with the State Treasurer, who shall credit such money as provided in section 77-2602. Upon proof by the Tax Commissioner that he or she can affix such stamps or meter impression, warehouse, and distribute such cigarettes and collect such revenue at a cost less than the ~~five~~ three per cent discount allowed to wholesale dealers, he or she may then proceed to affix the stamps himself or herself, after giving the wholesale dealers sixty days' notice and purchasing all equipment used by them for the purpose of affixing such stamps or meter impressions at a fair market value.".

4. On page 18, line 19, strike "23" and insert "24"; in line 23 after "original" insert "section 77-2608, Reissue Revised Statutes of Nebraska, 1943, and".

5. Renumber remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 21. Mr. Hoagland asked unanimous consent to withdraw his pending amendment found in the Journal on page 482. No objections. So ordered.

Messrs. Cullan, Schmit, Wesely, and Hoagland offered the following amendment:

1. On page 4, line 17, after "expense" insert "at least once a week for three weeks".

2. On page 5, line 16, strike "appropriators" and insert "appropriator and will not significantly adversely affect any riparian water user who files an objection in writing prior to the hearing"; and in line 26 before the period insert "except that the burden shall be on the riparian user to demonstrate his or her riparian status and to demonstrate a significant adverse effect on their uses in order to prevent approval of an application".

Mr. Cullan offered the following amendment to the Cullan, Schmit, Wesely, and Hoagland amendment:

Amend the Schmit et all amendment, line 23 page 4 strike "two" insert "three"

The Cullan amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

The Cullan et al amendment was adopted as amended with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 209. Placed on General File as amended.
Standing Committee amendments to LB 209:
AM0290

1. Strike the original section 1 and insert the following new section:

"Sec. 3. That section 79-4,203, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

79-4,203. Within fifteen days after service of the petition or within such further time as the court for good cause shown may allow, the school board or board of education shall prepare and transmit to the court a certified transcript of the record, which shall include the rules and regulations of the school board relied upon by the school district in its determination to suspend or expel the student, and the proceedings conducted before it, including the final decision sought to be reversed, vacated, or modified. The school board need not file any responsive pleading.".

2. On page 5, line 2, strike "79-4,175,"; in line 3, strike "and", and after "79-4,198," insert "and 79-4,203,".

3. Renumber remaining sections accordingly.

(Signed) Tom Vickers, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 45 in the Journal. No objections. So ordered.

AM0278

1. Strike the original sections and insert the following new sections:

"Section 1. That section 79-1703, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1703. (1) Nothing in sections 79-1701 to ~~79-1704 contained~~ 79-1705 shall be so construed as to interfere with religious instruction in any private, denominational, or parochial school.

(2) If the chief administrative officer of any nonpublic elementary school offering instruction through the eighth grade and the parents or guardians of all pupils enrolled therein file a statement with the Commissioner of Education declaring that the requirements of sections 79-1233 and 79-1701 to 79-1705 constitute such interference with regard to them, the commissioner shall waive the requirements of such sections and all rules and regulations relating thereto, as they apply to such school, its teachers, and pupils.

(3) Any waiver granted pursuant to subsection (2) of this section shall not excuse compliance with Chapter 79, article 2, with regard to attendance, and reporting of attendance, at such nonpublic elementary

schools, nor shall such waiver excuse compliance with any requirements relating to health, safety, and fire hazards. For purposes of this section and section 79-201 attendance at a nonpublic elementary school which has a waiver pursuant to subsection (2) of this section shall constitute attendance at a private denominational or parochial school.

(4) Any waiver granted pursuant to subsection (2) of this section to any nonpublic elementary school may be revoked by the commissioner, following notice and opportunity for public hearing before the State Board of Education, if it is determined that children attending such nonpublic elementary school are not progressing academically based on the results of nationally recognized achievement tests to be selected and administered by the commissioner. Such tests shall not be given more often than annually. The commissioner shall adopt rules and regulations for the purpose of establishing standards for the determination of when children attending nonpublic elementary schools which have received a waiver pursuant to subsection (2) of this section are progressing academically. In selecting the test to be administered and in promulgating the rules and regulations which establish acceptable academic progress the commissioner shall consider:

(a) Prevalent useage of achievement tests in the public, private, denominational, or parochial schools of this state;

(b) Current levels of achievement on tests prevalently used by public, private, denominational, and parochial schools of this state; and

(c) The extent to which the results of any test selected by the commissioner may be subject to error or statistical deviation.

Reasonable costs incurred by the commissioner in the administration of such testing shall be chargeable to the nonpublic elementary schools which file a statement for a waiver pursuant to subsection (2) of this section. The testing shall be administered within the county in which the nonpublic school is located at locations to be determined by the commissioner having due regard for the cost and convenience of the parties involved and assurance of an impartial, controlled, testing atmosphere.

Sec. 2. That original section 79-1703, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Mr. Vickers asked unanimous consent to print the following amendment to LB 46 in the Journal. No objections. So ordered.

AM0279

1. Strike the original sections and insert the following new sections:

"Section 1. That section 79-202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-202. Section 79-201 shall not apply ~~where~~ when the services or earnings of a child, who is fourteen years or more of age and has completed the work of the eighth grade, are necessary for his or her own support or the support of those actually dependent upon him or her, or when illness or severe weather conditions make attendance impossible or impracticable.

Section 79-201 shall not apply when the parents or legal guardians of a child, who is at least fourteen years of age and has completed the work of the eighth grade at a private, denominational, or parochial school, have filed a statement that further instruction in any school approved by the state, pursuant to section 79-328, violates the religious convictions of the parents or legal guardians of such child. Such statement shall be filed with the superintendent of schools in districts which have an attendance officer and with the county superintendent in other counties. Such statement shall only take effect if the parents or legal guardians of all children who have (a) attended the same private, denominational, or parochial approved school, (b) reached the age of fourteen, and (c) completed the work of the eighth grade at such school have also filed a statement that further instruction in any school approved by the state violates the religious convictions of such parents.

Sec. 2. That section 79-1701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1701. (1) All private, denominational, and parochial schools in the State of Nebraska, and all teachers employed or giving instruction therein, shall be subject to and governed by the provisions of the general school laws of the state so far as the same apply to grades, qualifications, ~~and~~ certification of teachers , except as provided in subsection (2) of this section, and promotion of pupils. All private, denominational, and parochial schools shall have adequate equipment and supplies, and shall be graded the

same and shall have courses of study for each grade conducted therein, substantially the same as those given in the public schools where the children attending would attend in the absence of such private, denominational, or parochial schools.

(2) Private, denominational, and parochial elementary schools offering instruction through the eighth grade which employ teachers who do not meet the requirements of sections 79-1233 to 79-1250 shall be subject to the following requirements:

(a) Commencing in school year 1983-84, the teachers retained or employed to teach grades kindergarten through eighth grade shall have completed nine college semester credit hours or the equivalent thereto;

(b) Commencing in school year 1984-85, the teachers retained or employed to teach grades kindergarten through eighth grade shall have completed thirty college semester credit hours or the equivalent thereto;

(c) Commencing in school year 1985-86 the teachers retained or employed to teach grades kindergarten through eighth grade shall have completed sixty college semester credit hours or the equivalent thereto; and

(d) Commencing in the 1986-87 school year no private, denominational, or parochial school shall employ any teacher who does not meet the certification requirements of sections 79-1233 to 79-1250.

The lay governing board of any such private, denominational, or parochial school shall provide information to the State Department of Education as to the number of college semester credit hours completed by the teachers at such school, sufficient to allow the department to verify the qualifications of each teacher retained or employed by the board.

Sec. 3. That original sections 79-202 and 79-1701, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

NOTICE OF COMMITTEE HEARINGS
Education

LB 45	Monday, February 28, 1983 (AM0278)	3:00 to 5:00 p.m.
LB 46	Monday, February 28, 1983 (AM0279)	3:00 to 5:00 p.m.

Governor's Appointments Tuesday, February 22, 1983 1:00 p.m.
Safety Center Advisory Council

Duane Schmidt, Department of Education, 301 Centennial Mall South, Lincoln, 68509
Larry Morris, Game and Parks Commission, Box 30370, Lincoln 68500
Rollin D. Schnieder, Extension Safety Specialist, 222 Agriculture Engineering, East Campus, UN-L, Lincoln, 68583
Jim Preston, Managing Director, Nebraska Motor Carriers Association, 521 So. 14th Street, Lincoln, 68508
John Ward, P. O. Box 431, Albion, 68620
Charles Fairbanks, Hall County Sheriff, 131 South Locust Street, Grand Island, 68801

(Signed) Tom Vickers, Chairperson

GENERAL FILE

LEGISLATIVE BILL 178A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 62. Title read. Considered.

Mr. Beutler offered the following amendment:

To amend LB 62 by adding the following language at the end of section 2:

"The department shall approve no grant if the school district has not met the requirements of section 79-1335 relating to minimum mill levies."

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. Beutler moved for a Call of the House. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Barrett	Beutler	Beyer	Clark	Doyle
Fenger	Hannibal	Jacobson	Johnson, L.	Morehead
Nichol	Peterson, H.	Peterson, R.	Pirsch	Von Minden

Voting in the negative, 27:

Chambers	Cullan	DeCamp	Eret	Fowler

Goll	Haberman	Hefner	Higgins	Hoagland
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Landis
Lundy	Marsh	Newell	Pappas	Remmers
Rupp	Sieck	Vickers	Wagner	Warner
Wesely	Wiitala			

Present and not voting, 3:

Abboud Goodrich Labedz

Absent and not voting, 2:

Chronister Schmit

Excused and not voting, 2:

Carsten Lamb

The Beutler amendment lost with 15 ayes, 27 nays, 3 present and not voting, 2 absent and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mrs. Labedz and Mr. R. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler offered the following amendment:

To amend LB 62 by adding the following language on page 2, line 20:

"Monies allocated from the foreign language assistance fund shall be used to assist students in grades 9 through 12 only"

Messrs. Fenger and Wagner asked unanimous consent to be excused until they return. No objections. So ordered.

The Beutler amendment lost with 9 ayes, 16 nays, 18 present and not voting, and 6 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 60, 66, 143, 144, 177, 182, and 197.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 522. Placed on General File.

(Signed) Elroy M. Hefner, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 311. Indefinitely postponed.
LEGISLATIVE BILL 315. Indefinitely postponed.
LEGISLATIVE BILL 349. Indefinitely postponed.
LEGISLATIVE BILL 352. Indefinitely postponed.

(Signed) David Landis, Chairperson

Judiciary

LEGISLATIVE BILL 137. Placed on General File as amended.
Standing Committee amendments to LB 137:
AM0263

1. On page 3, lines 12 through 20, strike the new matter and reinstate the stricken matter.

2. Strike original section 2 and insert the following new section:

"Sec. 2. That section 26-117, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

26-117. The municipal court shall have jurisdiction in all civil cases where the sum in question does not exceed ten ~~five~~ thousand dollars except in cases limited in this article.".

3. On page 4, line 6, strike "42-348" and insert "26-117".

LEGISLATIVE BILL 261. Indefinitely postponed.
LEGISLATIVE BILL 168. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendments to LB 62 in the Journal. No objections. So ordered.

(1)

Delete the words "the number of students served and" in lines 18 & 19 of page 2

(2)

Add the following language at the end of Section 2:

"No district which has existing programs in one or more languages shall be precluded from or disadvantaged in submitting a grant application for a program in a specific language program not available to students in such district at the time of the application."

VISITORS

Visitors to the Chamber were 40 students and teachers from Southeast High School, Lincoln; and 18 students and teacher from Chadron State College, Chadron.

ADJOURNMENT

At 12:08 p.m., on a motion by Mr. Eret, the Legislature adjourned until 9:00 a.m., Tuesday, February 15, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SEVENTH DAY - FEBRUARY 15, 1983

LEGISLATIVE JOURNAL

TWENTY-SEVENTH DAY - FEBRUARY 15, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 15, 1983

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Marlin Wismer, Covenant Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Carsten who was excused; and Messrs. Chronister, Fowler, Haberman, Schmit, Mesdames Higgins, Labedz, and Morehead who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 498, after line 20 insert "A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to."
The Journal for the Twenty-Seventh Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 114. Placed on Select File.
LEGISLATIVE BILL 203. Placed on Select File.
LEGISLATIVE BILL 201. Placed on Select File.

LEGISLATIVE BILL 488. Placed on Select File as amended.
E & R amendment to LB 488:
AM5024

1. On page 1, line 4, strike "and" and insert " to change provisions relating to the age of retirement; to provide an operative date;"; and in line 5, after "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 135. Placed on Select File.

LEGISLATIVE BILL 291. Placed on Select File as amended.
E & R amendment to LB 291:
AM5025
1. On page 2, line 24, strike "of the first class".

Correctly Engrossed

The following bills were correctly engrossed: 10, 15, 36, 37, 111, 191, and 262.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 36

The following changes, required to be reported for publication in the Journal, have been made:
ER0005
1. On page 1, line 8, a comma has been inserted after "sections".
2. For correlation purposes with LB 1, section 1, Eighty-eighth Legislature, First Session:
(a) On page 1, line 9, after the third comma "and" has been inserted; in line 10, "and 2-1580," has been stricken; and all language beginning with the second comma in line 11 through "1982" in line 12 has been stricken; and
(b) On page 9, line 9, after the third comma "and" has been inserted; in line 10 "and 2-1580," was stricken; and all language beginning with the first "and" in line 11 through "1982," in line 12 has been stricken.

Enrollment and Review Change to LB 111

The following changes, required to be reported for publication in the Journal, have been made:
ER0006
1. In the E & R amendment, page 1, line 2, "subject" has been changed to "as".

(Signed) Tristi J. Wilson
E & R Attorney

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 14, 1983, at 4:00 p.m., were the following bills: 60, 66, 143, 144, 177, 182, and 197.

(Signed) Pamela Moravec, Enrolling Clerk

MOTION - Return LB 248 to Select File

Mr. Barrett moved to return LB 248 to Select File for his specific amendment found in the Journal on page 492.

The motion to return prevailed with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 248. The Barrett specific amendment found in the Journal on page 492 was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Fenger asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Reconsider Action on LB 40

Mr. Hoagland renewed his pending motion to reconsider the motion to indefinitely postpone LB 40.

The motion to reconsider action lost with 11 ayes, 19 nays, 13 present and not voting, and 6 excused and not voting.

NOTICE OF COMMITTEE HEARING
Public Works

Governor's Appointment, Thursday, February 24, 1983 1:00 p.m.
George Arlen Miles, State Highway Commission

(Signed) Loran Schmit, Chairperson

SELECT FILE

LEGISLATIVE BILL 82. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 83. E & R amendment, AM5018, found in the Journal on page 466 for the Twenty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 34. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 104. E & R amendment, AM5019, found in the Journal on page 466 for the Twenty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 194. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 195. E & R amendment, AM5020, found in the Journal on page 466 for the Twenty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 20. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 30. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 149. E & R amendment, AM5021, found in the Journal on page 479 for the Twenty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 367. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 401. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 413. Mr. Warner renewed the Fenger amendment, AM0258, found in the Journal on page 480.

The Fenger amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 87. E & R amendment, AM5022, found in the Journal on page 480 for the Twenty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 81. E & R amendment, AM5023, found in the Journal on page 480 for the Twenty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 62. Considered.

Mr. Beutler renewed his pending amendment found in the Journal on page 508.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 6 ayes, 17 nays, and 26 not voting.

The Beutler amendment lost with 13 ayes, 16 nays, 18 present and not voting, and 2 excused and not voting.

Mr. Beutler asked unanimous consent to withdraw his pending amendment found in the Journal on page 507. No objections. So ordered.

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.

Mr. Wiitala 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, 19 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 62A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 14 nays, 8 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 59. Mr. Warner requested to pass over.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 178A. Placed on Select File.

(Signed) Rod Johnson, Chairperson

REPORT OF EMPLOYEES

TO: Patrick O'Donnell, Clerk of the Legislature
FROM: Laura Ashelford, Legislative Accountant
RE: Session Employee Expense

During the month of January, 1983, 150 full and part-time Senators session employees and temporary session employees were paid a total of $86,690.51. Of this amount, $2,436.21 was overtime.

Detailed information is on file in the Accounting and Budgeting Office.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 466A. By Labedz, 5th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 466, Eighty-eighth Legislature, First Session, 1983.

ATTORNEY GENERAL'S OPINION

Opinion No. 24
February 14, 1983

Dear Senator DeCamp:

This is in reply to your letter of January 28, 1983. In that letter you ask two questions, each of which are hereafter discussed.

1. Are the provisions of Neb.Rev.Stat. §79-1229 (Reissue 1981) applicable to administrators and supervisors of both public and nonpublic schools?

Yes, See generally, State ex rel. Douglas v. Faith Baptist Church, 207 Neb. 802, 301 N.W.2d 571 (1981).

2. Is Neb.Rev.Stat. §79-1229 (Reissue 1981) being enforced at the present time and has it been enforced in the past to insure that all non-public schools have properly certified administrators and supervisors?

Generally speaking, enforcement of Neb.Rev.Stat. §79-1229 (Reissue 1981) has never been a problem. It has been a problem in certain instances during the last several years. As a result, there are a number of cases which are currently in litigation which involve, inter alia, Neb.Rev.Stat. §79-1229 (Reissue 1981).

3. Where can you get reports on exactly which non public schools are in compliance or non compliance, if any are in non compliance, with Neb.Rev.Stat. §79-1229 (Reissue 1981)?

This question obviously contains a typographical error. Neb.Rev.Stat. §79-1229 (Reissue 1981) does not apply to schools but applies to individuals.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

NOTICE OF COMMITTEE HEARINGS
Agriculture and Environment

LB 200	Thursday, February 24, 1983	1:30 p.m.
LB 356	Thursday, February 24, 1983	1:30 p.m.
LB 576	Thursday, February 24, 1983	1:30 p.m.
LB 426	Friday, February 25, 1983	1:30 p.m.
LB 562	Friday, February 25, 1983	1:30 p.m.
LB 587	Friday, February 25, 1983	1:30 p.m.
LB 504	Thursday, March 3, 1983	1:30 p.m.
LB 505	Thursday, March 3, 1983	1:30 p.m.
LB 534	Thursday, March 3, 1983	1:30 p.m.

(Signed) Rex Haberman, Chairperson

ANNOUNCEMENT

Mr. Vickers announced the Education Committee will have an executive session February 16, 1983 at 8:00 a.m. in Room 1517.

UNANIMOUS CONSENT - Print in Journal

Mr. Fenger asked unanimous consent to print the following amendment to LB 87 in the Journal. No objections. So ordered.

AM0303

1. In the Standing Committee Amendments insert the following new section:

"Sec. 17. That section 71-206, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-206. A person is qualified to receive a certificate of registration as a registered ~~apprentice~~

(1) when he or she has a diploma showing graduation from high school, or an equivalent education as determined by an examination conducted by the county superintendent of schools, or by successfully passing a general educational development test, either of which examination shall be optional with the applicant; (2) who is of good moral character and temperate habits; (3) who has graduated from a school of barbering approved by the Board of Barber Examiners; (4) who has completed two thousand one hundred hours of training in a school of barbering; (5) who has passed a satisfactory examination conducted by the Board of Barber Examiners to determine his or her fitness to practice as a registered ~~apprentice~~ barber, which examination must be taken within two years after the date of his or her entry into barber school; and (6) if a graduate of a barber school in a state other than Nebraska that he or she has a barber ~~an apprentice~~ certificate from the state in which he or she attended barber school and has completed and graduated from a school of barbering requiring not less than the number of hours required in Nebraska.".

2. In the Standing Committee Amendments, on page 12, line 4, after the first comma insert "71-206,"; in line 6 strike "71-206,"; and in line 10, strike "23"; and "25" and insert "24" and "26" respectively.

3. In the Standing Committee Amendments, renumber the remaining sections accordingly.

4. On page 7, strike beginning with "(5)" in line 21 through "(7)" in line 27, show as stricken, and insert "(5)".

5. On page 8, line 2, strike "(8)", show as stricken and insert "(6)"; in line 4 strike "(9)", show as stricken, and insert "(7)"; in line 6 strike "(10)", show as stricken, and insert "(8)"; in line 8 strike "(11)", show as stricken, and insert "(9)"; in line 11 strike "(12)", show as stricken, and insert "(10)"; in line 12 strike "(13)" and insert "(11)"; and in line 13 strike "(14)" and insert "(12)".

6. In the E & R Amendments on page 480 of the journal, in line 2 after "71-204," insert "71-206,"; and in line 11 strike "71-206,".

MOTION - Withdraw LB 499

Mr. Haberman moved to withdraw LB 499.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 44. Title read. Considered.

Mr. Landis offered the following amendment:
AM0002
1. On page 2, line 1 after "sections" insert
"15-267, 15-755 to 15-759,".

The Landis amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Wesely renewed his pending amendment, AM0014, found in the Journal on page 353.

Mr. Fenger asked unanimous consent to be excused until he returns. No objections. So ordered.

The Wesely amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Wesely renewed his pending amendment, AM0013, found in the Journal on page 354.

The Wesely amendment was adopted with 29 ayes, 3 nays, 14 present and not voting, and 3 excused and not voting.

Messrs. Schmit and Wiitala asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 126. Title read. Considered.

Standing Committee amendments, AM0045, found in the Journal on page 328 for the Fifteenth Day were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. V. Johnson offered the following amendment:
Add the following new subsection (c) on page 6 of LB 126
"(c) and who are pursuing a course of studies in mathematics, the

life or physical sciences, foreign language or the teaching of the same."

Messrs. Pappas and Wiitala asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. V. Johnson asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

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

Advanced to E & R for Review with 25 ayes, 7 nays, 13 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. L. Johnson asked unanimous consent to have his name added as co-introducer to LB 350. No objections. So ordered.

Mr. Wesely asked unanimous consent to have his name added as co-introducer to LB 44. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 249. Considered.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Doyle offered the following amendment:
AM0233

1. On page 3, line 9, strike the semicolon, show as stricken, and insert an underscored period; in line 23 strike the underscored semicolon; in line 24 strike "PROVIDED" and after the comma insert "except"; in line 26 after "payroll" insert an underscored semicolon; and strike beginning with "if" in line 26 through "calendar" in line 27.
2. On page 4, strike lines 1 through 9 and any amendments thereto.

The Doyle amendment lost with 2 ayes, 17 nays, 25 present and not voting, and 5 excused and not voting.

Mr. Barrett offered the following amendment:
AM0207

1. Strike the Standing Committee amendment found on page 329 of the Journal.

Mr. Doyle moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Barrett requested a roll call vote on the his amendment.

Voting in the affirmative, 19:

Abboud	Barrett	Beyer	Chronister	Doyle
Fenger	Goodrich	Haberman	Hannibal	Jacobson
Johnson, R.	Kahle	Marsh	Morehead	Pappas
Peterson, R.	Sieck	Wagner	Wiitala	

Voting in the negative, 26:

Beutler	Chambers	Clark	DeCamp	Eret
Fowler	Goll	Hefner	Hoagland	Johnson, L.
Johnson, V.	Kilgarin	Labedz	Lamb	Landis
Lundy	Newell	Nichol	Peterson, H.	Pirsch
Remmers	Rupp	Vickers	Von Minden	Warner
Wesely				

Absent and not voting, 1:

Cullan

Excused and not voting, 3:

Carsten	Higgins	Schmit

The Barrett amendment lost with 19 ayes, 26 nays, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Advanced to E & R for Review with 29 ayes, 9 nays, 8 present and not voting, and 3 excused and not voting.

ANNOUNCEMENT

The President announced today is Senator Fenger's birthday.

VISITORS

Visitors to the Chamber were Senator H. Peterson's daughter and granddaughter, Tiffany and Becky Peterson; Sherry Moody from Purdum; Jean Krug from Benkleman; Naida Narjes from Sidney; Dick Carlyon from Lincoln; 46 fourth grade students and teachers from Wildwood Elementary School, Ralston; Jean Neal from Austin, Texas; Jim Sheets from Falls City; Katy Gould from Chadron; and Mike Naden from Franklin.

ADJOURNMENT

At 12:03 p.m., on a motion by Mr. L. Johnson, the Legislature adjourned until 9:00 a.m., Wednesday, February 16, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-EIGHTH DAY - FEBRUARY 16, 1983

LEGISLATIVE JOURNAL

TWENTY-EIGHTH DAY - FEBRUARY 16, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 16, 1983

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Pastor Gifford G. Myers, First Evangelical Free Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Carsten who was excused; and Messrs. Eret, Fowler, Goodrich, Jacobson, R. Johnson, V. Johnson, Newell, Schmit, Sieck, Vickers, Wiitala, Mesdames Higgins, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Seventh Day was approved.

NOTICE OF COMMITTEE HEARINGS
Public Works

Governor's Appointments, Thursday, March 10, 1983 1:00 p.m.
Holly Jensen - Director, Department of Motor Vehicles
Lou Lamberty - Director/State Engineer, Department of Roads
Terrence D. Malcom - Oil and Gas Conservation Commission

(Signed) Loran Schmit, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 33A. By Wagner, 41st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 33, Eighty-eighth Legislature, First Session, 1983.

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 59 in the Journal. No objections. So ordered.

AM0335

1. On page 2, strike beginning with "On" in line 3 through "shall" in line 4, show as stricken, and insert "(a) Commencing in 1983 the Legislature shall annually"; and strike beginning with "If" in line 23 through line 27.

2. On page 3, strike lines 1 through 27 and show as stricken.

3. On page 4, strike lines 1 through 14 and show as stricken; in line 15 strike "(d)", show as stricken, and insert "(b)", strike "board", show as stricken, and insert "Legislature", and strike "then"; and show as stricken; in line 17 strike beginning with "pursuant" through "subsection" and show as stricken; in line 22 after "years" insert an underscored period; strike beginning with "following" in line 22 through line 23 and show as stricken; and in line 27 strike "as certified as" and show as stricken.

4. On page 5, strike line 1, show as stricken and insert "of the state."; in line 2 strike "(e)", show as stricken, and insert "(c)"; in line 6 after "effective" insert an underscored period; strike beginning with "except" in line 6 through "board" in line 9, show as stricken, and insert "The Legislature"; in line 13 strike "(f)", show as stricken, and insert "(d)"; in line 21 strike "(g)", show as stricken, and insert "(e)", and strike "board", show as stricken, and insert "Legislature"; in line 22 strike "one-fourth", show as stricken, and insert "one half"; in lines 23 and 24 strike "half of one" and show as stricken; and in line 25 strike "(h)", show as stricken, and insert "(f)".

5. On page 6 strike beginning with "The" in line 2 through "law" in line 23, show as stricken, and insert "The Speaker of the Legislature and the chairpersons of the Legislature's Executive Board, Revenue Committee, and Appropriations Committee shall

meet with the Tax Commissioner within ten days after the fifteenth of July and October of each year and shall determine whether the rates for sales tax and income tax should be changed." and strike "the board", show as stricken, and insert "they"; and in line 27 strike "such special", show as stricken, and insert "any".

6. On page 7, line 2, strike "the board determines", show as stricken, and insert "it is determined by a majority vote that"; in line 3 strike "such", show as stricken, and insert "a"; in line 8 after the comma insert "they shall petition the Governor to call a special session of the Legislature to make whatever rate changes may be necessary."; strike beginning with the second "such" in line 8 through line 23 and show as stricken; in line 24 after "section"; insert "81-125, Reissue Revised Statutes of Nebraska, 1943, and section"; in line 25 strike "is" and insert "and also section 77-2715.03, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715.02, Revised Statutes Supplement, 1982, are".

7. Insert the following new sections:

"Sec. 2. That section 81-125, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-125. The Governor shall on or before January 15 present to the Legislature a complete budget for all the activities of the state receiving appropriations or requesting appropriations, except that the Governor during his or her first year in office shall present such budget to the Legislature on or before February 1. Such budget shall be a tentative work program for the coming biennium, containing a full and itemized report of the expenditures from appropriations made by the previous Legislature and the items which the Governor deems worthy of consideration for the coming biennium, for the respective departments, offices, and institutions, and for all other purposes; the estimated revenue from taxation, the estimated revenue from sources other than taxation, an estimate of the amount required to be raised by taxation and the sales and income tax rates necessary to raise such amount, and recommendations as to deficiency funding requirements pursuant to section 50-423. The budget as transmitted to the Legislature shall show the estimated requirements for each activity of the state as prepared by the Department of Administrative Services and the final recommendation of the Governor. The budget shall comprise the complete report to the Legislature of all

appropriations made by the previous Legislature and expenditures therefrom by all agencies receiving appropriations, and the report of expenditures contained in the budget shall be in lieu of all other biennial or other financial reports required by statute to the Legislature by expending agencies of appropriations and expenditures for their own activities, except the biennial report of the State Treasurer and Director of Administrative Services.

Sec. 3. The Legislature shall review and change the rates for sales tax and income tax if necessary upon the adoption of the budget." .

8. Renumber remaining sections accordingly.

REPORT

Received statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund from the Department of Roads for the month of January in compliance with Section 66-476, R. S. Supp. 1980.

Received annual report from the Nebraska Department of Labor, Division of Employment.

NOTICE OF COMMITTEE HEARINGS
Urban Affairs

LB 362	Wednesday, February 23, 1983	1:30 p.m.
LB 540	Wednesday, February 23, 1983	1:30 p.m.
LB 359	Wednesday, February 23, 1983	1:30 p.m.
LB 438	Wednesday, February 23, 1983	1:30 p.m.

(Signed) Dave Newell, Chairperson

MOTION - Withdraw LB 499

Mr. Haberman renewed his pending motion found in the Journal on page 518 to withdraw LB 499.

The motion to withdraw prevailed with 26 ayes, 1 nay, 8 present and not voting, and 14 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 22.

A BILL FOR AN ACT to amend sections 19-4020, 19-4021, 19-4024, 19-4025, 19-4026, 19-4027, 19-4028, 19-4029, 19-4030, 19-4031, 19-4033, and 19-4034, Revised Statutes Supplement, 1982, relating to business improvement districts; to provide definitions; to change provisions relating to special assessments as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45 :

Abboud	Barrett	Beutler	Beyer	Chambers
Chronister	Clark	Cullan	DeCamp	Doyle
Eret	Fenger	Goll	Haberman	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Marsh	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Wiitala

Voting in the negative, 0.

Excused and not voting, 4:

Carsten	Fowler	Goodrich	Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 29 to Select File

Mr. Vickers moved to return LB 29 to Select File for his specific amendment found in the Journal on page 498.

The motion to return prevailed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 29. The Vickers specific amendment found in the Journal on page 498 was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

PRESIDENT MCGINLEY PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 39.

A BILL FOR AN ACT to amend section 79-1303, Revised Statutes Supplement, 1982, relating to school funds; to change certain provisions relating to the valuation of school lands; and to repeal the original section.

Whereupon the 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 :

Abboud	Barrett	Beutler	Beyer	Chambers
Chronister	Clark	Cullan	DeCamp	Doyle
Eret	Fenger	Fowler	Goll	Haberman
Hannibal	Hefner	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Kahle	Labedz	Lamb	Landis
Lundy	Marsh	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Sieck	Vickers	Von Minden	Wagner
Warner	Wiitala			

Voting in the negative, 3 :

Higgins	Kilgarin	Wesely

Present and not voting, 1 :

Morehead

Excused and not voting, 3 :

Carsten	Goodrich	Johnson, V.

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 cities of the primary class; to amend sections 15-841, 15-1202, 15-1203, and 15-1204, Reissue Revised Statutes of Nebraska, 1943, and section 15-840, Revised Statutes Supplement, 1982; to change provisions relating to claims against a city of the primary class; to provide for procedures to perfect an appeal to the district court; to provide duties for the city clerk; to provide time for filing the petition on appeal; to repeal the original sections, and also section 15-842, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45 :

Abboud	Barrett	Beutler	Beyer	Chambers
Chronister	Clark	Cullan	DeCamp	Doyle
Eret	Fenger	Goll	Haberman	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Marsh	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Wiitala

Voting in the negative, 0 .

Present and not voting, 1 :

Fowler

Excused and not voting, 3 :

Carsten Goodrich Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 71 to Select File

Messrs. Landis and Newell moved to return LB 71 to Select File for the following specific amendment:

1. Page 8, line 2, after the word "require" insert, "for subdivision of exisiting lots and blocks whenever all required public improvements have been installed, no new dedication of public rights-of-ways or easements is involved, and such subdivision complies with the ordinance requirements concerning minimum areas and dimensions of such lots and blocks"

2. Add the emergency clause

The motion to return prevailed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 71. The Landis-Newell specific amendment found in this day's Journal was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 116. With Emergency.

A BILL FOR AN ACT relating to certain state property; to provide for the conveyance of easements to the city of Lexington; and to declare an emergency.

Whereupon the President stated: "All provisions of 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 :

Abboud	Barrett	Beutler	Beyer	Chambers
Chronister	Clark	Cullan	DeCamp	Doyle
Eret	Fenger	Fowler	Goll	Goodrich
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely

Wiitala

Voting in the negative, 0 .

Present and not voting, 1 :

Haberman

Excused and not voting, 2 :

Carsten Johnson, V.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 162.

A BILL FOR AN ACT to amend section 37-203, Reissue Revised Statutes of Nebraska, 1943, relating to game and parks; to increase the issuing fee for certain permits as prescribed; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42 :

Abboud	Barrett	Beyer	Chronister	Clark
Cullan	DeCamp	Doyle	Eret	Fenger
Fowler	Goll	Goodrich	Hannibal	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Kahle	Kilgarin	Labedz	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Sieck	Von Minden	Wagner	Warner
Wesely	Wiitala			

Voting in the negative, 4 :

Chambers Haberman Lamb Vickers

Present and not voting, 1 :

Beutler

Excused and not voting, 2 :

Carsten Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 163. With Emergency.

A BILL FOR AN ACT to amend section 81-814.01, Reissue Revised Statutes of Nebraska, 1943, relating to the Game and Parks Commission; to increase the maximum amount allowed in certain change cash funds; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47 :

Abboud	Barrett	Beyer	Chambers	Chronister
Clark	Cullan	DeCamp	Doyle	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala			

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 1:

Carsten

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 274.

A BILL FOR AN ACT relating to nursing homes; to provide for the appointment of a receiver as prescribed; to establish powers and duties; to provide for termination of a receivership; 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, 46 :

Abboud	Barrett	Beyer	Chambers	Chronister
Clark	Cullan	DeCamp	Doyle	Eret
Fenger	Fowler	Goll	Haberman	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala				

Voting in the negative, 0 .

Present and not voting, 2 :

Beutler Goodrich

Excused and not voting, 1 :

Carsten

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 58.

A BILL FOR AN ACT to amend sections 8-157 and 8-903, Reissue Revised Statutes of Nebraska, 1943, relating to banking; to remove a restriction on the location of auxiliary teller offices; to redesignate such offices; to authorize the making of loans for such offices; to authorize certain acquisitions by bank holding companies as prescribed; to permit a bank to assume the assets and liabilities of a cooperative credit association as prescribed; 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?' "

Mr. Lamb requested a roll call vote.

Voting in the affirmative, 30 :

Abboud	Beutler	Chronister	Cullan	DeCamp
Doyle	Eret	Fenger	Fowler	Goodrich
Haberman	Hannibal	Hoagland	Jacobson	Johnson, V.
Kilgarin	Labedz	Landis	Lundy	Marsh
Morehead	Newell	Pappas	Peterson, H.	Pirsch
Schmit	Vickers	Warner	Wesely	Wiitala

Voting in the negative, 17 :

Barrett	Beyer	Clark	Goll	Hefner
Higgins	Johnson, L.	Johnson, R.	Kahle	Lamb
Nichol	Peterson, R.	Remmers	Rupp	Sieck
Von Minden	Wagner			

Present and not voting, 1 :

Chambers

Excused and not voting, 1 :

Carsten

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Place LB 86 on General File

Mrs. Higgins moved that LB 86 be placed on General File, notwithstanding the action of the committee, pursuant to Rule 3, Sec. 16.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 559 in the Journal. No objections. So ordered.

AM0333
1 1. Strike the original sections and insert

the following:

"Section 1. 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 pipeline 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~~ pipeline or the location of any plant or equipment necessary to operate such ~~pipe line~~ pipeline, shall have the right to acquire the same for such purpose through the exercise of the power of eminent domain. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724.

Sec. 2. That section 57-1103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

57-1103. 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, 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 in the nature of an easement, for the purpose of laying, relaying, operating, and maintaining any ~~pipe line or lines~~ pipeline or pipelines for such purpose in or across any of the public lands except school lands which are not subject to the provisions of section 57-1102, the title of which is vested in the State of Nebraska, shall have the right to acquire the same for such purpose by filing with the other governing body having title or supervision thereof, a plat describing the portion or portions of land, real estate, or right-of-way necessary for the laying, relaying, operating, and maintaining of any such ~~pipe line~~ pipeline, and the governing body shall direct the county commissioners of the county or counties through which such ~~pipe line~~ pipeline

right-of-way is desired, shown by petitioners' application and maps, to appraise and fix the amount to be paid by such person, company, corporation, or association for such right-of-way, and assess the damages therefor. Before making the assessment, the governing body shall notify the applicant of the time and place of such hearing by either certified or registered mail, to be mailed at least ten days prior to the hearing.

Sec. 3. The Legislature determines and declares that:

(1) Coal slurry pipelines are a reasonable, cost efficient, competitive means of transporting coal and will be built over the next decade as one of the methods of transporting energy at a rate competitive with that charged by railroads;

(2) The environment, including water, land, and other resources, must be accorded special attention and protection in the areas where coal slurry pipelines are built;

(3) Construction of a coal slurry pipeline provides hundreds of millions of dollars of economic activity and employment both initially in the construction phase and over the long term during the life of the project;

(4) The locating of a pipeline through Nebraska will benefit the state in a variety of ways including the ability to control and supervise the environmental effects and the providing of a long-term tax base which could be used for property tax relief in the area where the pipeline is located;

(5) A coal slurry pipeline benefits all residents in the area where the pipeline is located by providing a stable, permanent use of energy rather than a high peak load without a corresponding permanent base load; and

(6) Sections 3 to 8 of this act are designed to provide for supervision and control of any coal slurry pipeline constructed in this state as well as significant amounts of money for development and portection of our natural resources, in particular our water resources.

Sec. 4. Any person engaged in, and any company, corporation, or association formed or created for the purpose of transporting or conveying mineral, chemical, or other products through or into the State of Nebraska by pipeline and using water as a medium of transportation for such mineral, chemical, or other

product shall, prior to the construction of such pipeline in the State of Nebraska, file an application with the Department of Water Resources.

Sec. 5. Within fifteen days after the filing of an application under section 4 of this act, the Director of Water Resources shall set a date for a hearing thereon. Notice of the hearing shall be given for three consecutive weeks in a newspaper of general circulation in each county traversed by the proposed pipeline and in a newspaper of general circulation in the state. The hearing on the application shall not be held earlier than thirty days following the date of the first publication of notice. At the hearing the burden shall rest with the applicant to prove, by competent, material, and substantial evidence, that no Nebraska surface or ground water will be used in the pipeline.

Sec. 6. After the hearing and in no event more than one hundred eighty days following the filing of the application pursuant to section 4 of this act, the Director of Water Resources shall issue an order approving or denying such application. The application shall be approved only if:

(1) The director finds that no Nebraska surface or ground water will be used in the pipeline; and

(2) The applicant pays to the Department of Water Resources a fee of fifteen million dollars, to be deposited in the Nebraska Resources Development Fund created in section 2-3265.

An order approving an application shall contain the power to terminate or suspend such order as provided in section 8 of this act.

Sec. 7. The Director of Water Resource's findings of fact and conclusions of law shall be reduced to writing, and the hearing held on the application pursuant to section 4 of this act shall be recorded. The director shall adopt and promulgate such rules and regulations as he or she shall deem necessary for such hearings pursuant to Chapter 84, article 9. Any party aggrieved by the findings and order of the director may appeal as provided in Chapter 84, article 9.

Sec. 8. As a condition to approving an application pursuant to section 6 of this act, the director may require that monitoring wells be established in Nebraska, at locations and depths that the director determines are necessary to adequately monitor the water bearing aquifer supplying the transportation medium of the applicant, in order to

determine that there is no Nebraska ground water used in such pipeline. The cost of such wells shall be paid for by the applicant. The director may require that a bond be posted or a line of credit established by the applicant to guarantee that sufficient money is available to finance such monitoring wells.

If the director finds reasonable cause to believe the applicant has endangered or is about to endanger the existing water table, an order to show cause why the order approving such application should not be terminated or suspended may be issued. Any hearing held under this section shall conform with Chapter 84, article 9.

As a condition to approving the application, the director may also require the applicant to enter into a contract with the State of Nebraska agreeing to comply with sections 3 to 8 of this act.

Sec. 9. That section 75-501, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-501. Any person, company, corporation, or association transporting, transmitting, conveying, or storing any liquid, slurry mixture, or gas by pipeline for hire in Nebraska intrastate commerce, is hereby declared to be a common carrier and subject to commission regulation. The commission shall promulgate, adopt, and enforce reasonable rules and regulations establishing minimum state safety standards for the design, construction, maintenance, or operation of all pipelines transporting liquefied petroleum gas or anhydrous ammonia operated in intrastate commerce by common carriers. Such rules and regulations, and the interpretations thereof, shall conform to the rules, regulations, and interpretations of the appropriate federal agencies with authority to regulate pipeline common carriers in interstate commerce.

Sec. 10. That section 75-502, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-502. Such pipeline carriers shall have power to store, transport, or convey any liquid, slurry mixture, or gas, or the products thereof, and to make reasonable charges therefor; to lay down, construct, maintain, and operate pipelines, tanks, pump stations, connections, fixtures, storage plants, and such machinery, apparatus, devices, and arrangement as may be necessary to operate such pipes or pipelines between different points in this state; and to use and occupy

such lands, rights-of-way, easements, franchises, buildings, and structures as may be necessary to construct and maintain same.

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. 12. That original sections 57-1101, 57-1103, 75-501, and 75-502, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Lundy asked unanimous consent to have his name added as co-introducer to LB 546. No objections. So ordered.

Mr. Newell asked unanimous consent to have his name added as co-introducer to LB 454. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 421. Title read. Considered.

Standing Committee amendments, AM0147, found in the Journal on page 395 for the Twentieth Day were adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Mr. Beutler offered the following amendment:

1. On page 4, line 5, after "located" insert "if such treasurer shall agree to perform such duty".

The amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 107. Title read. Considered.

Standing Committee amendments, AM0144, found in the Journal on page 396 for the Twentieth Day were adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 110. Title read. Considered.

Standing Committee amendments, AM0145, found in the Journal on page 396 for the Twentieth Day were adopted with 25 ayes, 9 nays, 14 present and not voting, and 1 excused and not voting.

Mrs. Pirsch asked unanimous consent to be excused until she returns. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 22, 39, 52, 116, 162, 163, 274, and 58.

UNANIMOUS CONSENT - Print in Journal

Messrs. Von Minden and Hoagland asked unanimous consent to print the following amendment to LB 50 in the Journal. No objections. So ordered.

AM0327

(Amendments to Final Reading Copy)

1. On page 1, line 1, strike "section" and insert "sections", and after "39-6,131," insert "39-6,131.01, 39-6,131.02, 39-6,131.03, 39-6,131.05, and 39-6,131.07,"; in line 5, strike "section" and insert "sections" and strike "sections" and insert "section"; and in line 6, strike "39-6,131.01 to 39-6,131.07" and insert "39-6,131.04".

2. On page 2, line 10, strike "(1)" and show as stricken; strike beginning with the first comma in line 16 through line 18 and insert "of each year when a sticker has been obtained pursuant to section 39-6,131.03."; in line 25 strike "(2) it", show as stricken, and insert "Notwithstanding any other provision of sections 39-6,131 to 39-6,131.07, it"; in line 26 after "use" insert "(1)"; and in line 27 strike the comma and show as stricken.

3. On page 3, line 1, strike beginning with "(3)" through "use", show as stricken, and insert "(2)"; in line 4 after "skid" insert "without paying the fee pursuant to section 39-6,131.03"; in line 16 after "not" insert "have metal or metal-type studs which"; and in line 17 strike "studcasing" and insert "stud-casing".

4. Strike sections 3 and 4 and insert the following new sections:

"Sec. 3. That section 39-6,131.01, Revised Statutes Supplement, 1982, be amended to read as

follows:

39-6,131.01. After August 31, 1980, no person shall sell or supply any ~~(1)~~ rubber tire equipped with studs or spikes for use on any vehicle ~~except as provided in section 39-6,131 and section 39-6,131.04,~~ or ~~(2)~~ studs or spikes for installation in the tires of such vehicles, except as provided in sections 39-6,131 and 39-6,131.03 and section 2 of this act.

Sec. 4. That section 39-6,131.02, Revised Statutes Supplement, 1982, be amended to read as follows:

39-6,131.02. ~~After August 31, 1980, each~~ Each person who sells new or used tires shall display, in the area where such tires are sold, a sign measuring not less than fourteen inches square which shall contain a notice in letters measuring at least one half inch in height. Such notice shall read as follows: Notice: The use of tires containing studs or spikes is prohibited in this state after ~~April 15, 1982~~ November 1, 1983, unless a five dollar fee per studded or spiked tire has been paid in accordance with section 39-6,131.03.

Sec. 5. That section 39-6,131.03, Revised Statutes Supplement, 1982, be amended to read as follows:

39-6,131.03. (1) The Department of Roads, Maintenance Division, Carrier Enforcement and Permit Section shall provide ~~permits and~~ stickers ~~only~~ for those persons using or purchasing studded or spiked tires or sets of studs or spikes for vehicles. ~~which are excepted from the prohibition on studded or spiked tires, as provided in subdivision (1) of section 39-6,131.~~ Any person using or purchasing a studded or spiked tire or a set of studs or spikes after ~~April 16, 1982~~ November 1, 1983, shall apply for a ~~permit and~~ sticker prior to the purchase or use of such tires. The application for a ~~permit and~~ sticker shall be made on forms prescribed by the department and accompanied by a ~~ten~~ five dollar fee for each ~~vehicle which has one or more studded or spiked tires~~ tire equipped with studs or spikes as defined in section 39-6,131 or section 2 of this act. The application and fee shall be sent to and the ~~permit and~~ sticker issued by the Department of Roads, Maintenance Division, Carrier Enforcement and Permit Section, or one of the Department of Road's field officers in the state. The sticker shall contain the license plate number of the vehicle and the date of the permit's issuance, and shall be displayed in the

vehicle's rear window so as to be readily visible to a law enforcement officer. All money collected by the Department of Roads, Maintenance Division, Carrier Enforcement and Permit Section pursuant to this section shall be transmitted and credited to the Highway Trust Fund.

(2) The ~~permit and~~ sticker shall be valid for one year from the date of issuance, and renewal stickers ~~and permits~~ shall be applied for and issued in the same manner as the original sticker. ~~and permit.~~

(3) No motor vehicle equipped with studded or spiked tires and licensed and registered in this state shall be driven upon the roads and highways of this state except between November 1 and March 15 of each year when the sticker required by this section is affixed to the vehicle's rear window in the designated location.

Sec. 6. That section 39-6,131.05, Revised Statutes Supplement, 1982, be amended to read as follows:

39-6,131.05. The Department of Roads shall adopt and promulgate rules and regulations to provide for administering sections 39-6,131 to ~~39-6,131.04~~ 39-6,131.03. ~~The Department of Roads shall require that emergency medical personnel upon request substantiate the need to use studded or other prohibited tires pursuant to subdivision (1) of section 39-6,131.~~

Sec. 7. That section 39-6,131.07, Revised Statutes Supplement, 1982, be amended to read as follows:

39-6,131.07. (1) Any person violating section 39-6,131.01~~,~~ or 39-6,131.02~~, or 39-6,131.04~~ shall be guilty of a Class V misdemeanor.

(2) Any person violating section 39-6,131 or 39-6,131.03 shall be guilty of a traffic infraction and be fined not more than thirty dollars for each violation, but no court costs shall be assessed against such person if such fine is paid within fifteen days.

Sec. 8. This act shall become operative November 1, 1983, except that necessary action preparatory to its implementation may be taken prior to such date.

Sec. 9. That original sections 39-6,131, 39-6,131.01, 39-6,131.02, 39-6,131.03, 39-6,131.05, and 39-6,131.07, Revised Statutes Supplement, 1982, and also section 39-6,131.04, Revised Statutes Supplement, 1982, are repealed.".

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 396. Placed on General File.

LEGISLATIVE BILL 169. Placed on General File as amended.
Standing Committee amendments to LB 169:
AM0310

1. Insert the following new section:

"Sec. 2. That section 81-125, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-125. The Governor shall on or before January 15 present to the Legislature a complete budget for all the activities of the state receiving appropriations or requesting appropriations, except that the Governor during his or her first year in office shall present such budget to the Legislature on or before February 1. Such budget shall be a tentative work program for the coming biennium, containing a full and itemized report of the expenditures from appropriations made by the previous Legislature and the items which the Governor deems worthy of consideration for the coming biennium, for the respective departments, offices, and institutions, and for all other purposes; the estimated revenue from taxation, the estimated revenue from sources other than taxation, an estimate of the amount required to be raised by taxation and the sales and income tax rates necessary to raise such amount, and recommendations as to deficiency funding requirements pursuant to section 50-423. The budget as transmitted to the Legislature shall show the estimated requirements for each activity of the state as prepared by the Department of Administrative Services and the final recommendation of the Governor. The budget shall comprise the complete report to the Legislature of all appropriations made by the previous Legislature and expenditures therefrom by all agencies receiving appropriations, and the report of expenditures contained in the budget shall be in lieu of all other biennial or other financial reports required by statute to the Legislature by expending agencies of appropriations and expenditures for their own activities, except the biennial report of the State Treasurer and Director of Administrative Services.".

2. On page 7, line 21, after "section" insert "81-125, Reissue Revised Statutes of Nebraska, 1943, and section".

3. Renumber original section 2 as section 3.

LEGISLATIVE BILL 344. Placed on General File as amended.
Standing Committee amendments to LB 344:
AM0316

1. Strike the original sections and insert the following:

"Section 1. The Legislature finds that:

(1) Nebraska highways have been allowed to deteriorate, thus currently offering a very poor transportation system, and will continue to deteriorate unless immediate remedial action is taken;

(2) The first priority of state government should be to provide an adequate and safe transportation system, particularly for the movement of agricultural products from farm to market and to meet the transportation needs of Nebraska industry and business;

(3) A major program of rapidly improving the transportation system of the state should be undertaken without delay during this time of substantial economic problems in order to provide vital employment, generate increased tax revenue, and take advantage of the lowest construction costs in years; and

(4) Bridges are an integral part of the highway system and the current deterioration and disrepair of bridges impedes the efficiency of the highway system.

Sec. 2. Under the authority granted by Article XIII, section 1, of the Constitution of Nebraska, and Chapter 39, article 22, the Legislature hereby directs the issuance of bonds in the principal amount of not more than one hundred million dollars between the effective date of this act and July 1, 1984, either in one issue or in increments as the bond market will absorb, with the proceeds thereof to be used for the construction of highways in this state. Such bonds and the interest thereon shall be payable out of the Highway Trust Fund and shall in all respects comply with the provisions of Article XIII, section 1, of the Constitution of Nebraska and Chapter 39, article 22.

Sec. 3. Funds made available pursuant to section 2 of this act shall be expended to accomplish improvements according to the approved schedule of priorities of the Department of Roads for improving the state's existing highway system. Funds may also be expended to improve, renovate, or reconstruct bridges in Nebraska and the immediate access on roads thereto. The State Aid Bridge Fund shall be allocated twenty per cent

of the bond proceeds for use in improving bridges. The Department of Roads shall develop a uniform method of determining which bridges shall be funded.

Sec. 4. 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. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 365. Placed on General File as amended.
Standing Committee amendments to LB 365:
AM0311

1. On page 3, in lines 17 and 24, strike "three" and insert "one".

2. On page 4, line 3, strike "three" and insert "one".

3. Strike original section 2 and insert the following new sections:

"Sec. 2. The amount deducted from wagers pursuant to subsection (2) of section 2-1207 shall be distributed as purse supplements and breeder and stallion awards for Nebraska-bred horses, as defined and registered pursuant to section 2-1213, at the race track where the funds were generated. Any costs incurred by the State Racing Commission pursuant to subsection (2) of section 2-1207 and this section shall be separately accounted for and be deducted from such funds.

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 391. Placed on General File as amended.
Standing Committee amendments to LB 391:
AM0317

1. On page 2, line 16 after "shall" insert "at the direction of the city or village"; strike beginning with the comma in line 18 through "section" in line 21; strike beginning with the second "the" in line 22 through "Council" in line 23 and insert "section 77-2315 and any investment income shall accrue to the bond fund. The county treasurer shall notify the city or village when the bonds have been retired"; and in line 27 strike "and the interest earned from".

2. On page 3, line 1, strike "investing bond fund money"; strike beginning with "the" in line 7

through the underscored comma in line 8; and strike beginning with the underscored comma in line 13 through the underscored comma in line 14.

3. On page 4, line 6, strike "political subdivision" and insert "city or village"; in line 21 after "primary," insert "or"; in line 22 strike ", or second"; and in line 24 after "thereto" insert "including foreclosure".

(Signed) Elroy Hefner, Vice Chairperson

GENERAL FILE

LEGISLATIVE BILL 110. Considered.

Mr. Beutler offered the following amendment:
AM0299

1. On page 2, line 4, and page 4, line 17, after "court" insert "where the case is to be tried".

The amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Landis requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Abboud	Beutler	Chambers	Cullan	Doyle
Eret	Fowler	Goodrich	Hannibal	Hoagland
Johnson, V.	Kilgarin	Labedz	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Rupp
Sieck	Vickers	Wagner	Warner	Wesely
Wiitala				

Voting in the negative, 11:

Barrett	Beyer	Clark	Fenger	Goll
Haberman	Johnson, L.	Peterson, H.	Peterson, R.	Remmers
Von Minden				

Present and not voting, 10:

Chronister	DeCamp	Hefner	Higgins	Jacobson
Johnson, R.	Kahle	Lamb	Pappas	Schmit

Excused and not voting, 2:

Carsten Pirsch

Advanced to E & R for Review with 26 ayes, 11 nays, 10 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 439. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 414. Title read. Considered.

Standing Committee amendment, AM0110, found in the Journal on page 397 for the Twentieth Day was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Messrs. Beutler, Lamb, H. Peterson, and Mrs. Marsh offered the following amendment:
Reinstate the following language in lines 6 thru 10 on page 2:
"except that 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.

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

The Beutler amendment was adopted with 27 ayes, 14 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Chambers offered the following amendment:
Page 2, lines 8-10, strike
"the religious tenets of an established church of which he or she is a member or adherent." Insert "his or her religious tenets."

The amendment was adopted with 25 ayes, 7 nays, 15 present and not voting, and 2 excused and not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 0 nays, and 33 not voting.

Mr. Chambers offered the following amendment:
Strike the Beutler and Chambers amendments.

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

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Abboud	Barrett	Beyer	Chambers	Doyle
Eret	Fenger	Haberman	Hannibal	Higgins
Hoagland	Johnson, R.	Johnson, V.	Kilgarin	Labedz
Lundy	Morehead	Nichol	Pappas	Peterson, R.
Remmers	Rupp	Sieck	Warner	Wesely
Wiitala				

Voting in the negative, 17:

Beutler	Chronister	Clark	Cullan	DeCamp
Fowler	Hefner	Jacobson	Kahle	Lamb
Landis	Marsh	Newell	Peterson, H.	Vickers
Von Minden	Wagner			

Present and not voting, 2:

Goll Johnson, L.

Absent and not voting, 2:

Goodrich Schmit

Excused and not voting, 2:

Carsten Pirsch

The Chambers amendment was adopted with 26 ayes, 17 nays, 2 present and not voting, 2 absent and not voting, and 2 excused and not voting.

Mr. DeCamp moved to indefinitely postpone LB 414.

Laid over.

The Chair declared the Call raised.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 16, 1983, at 11:19 a.m., were the following bills: 22, 39, 52, 116, 162, 163, 274, and 58.

(Signed) Pamela Moravec, Enrolling Clerk

ANNOUNCEMENT

Mr. Warner announced the agency budget hearing for the Department of Agriculture has been changed from Wednesday, February 23 to Wednesday, March 9 and the Department of Environmental Control from Thursday, February 24 to Wednesday, February 23.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 230. Placed on General File as amended.
Standing Committee amendments to LB 230:
AM0315

1. Insert the following new sections:

"Section 1. That section 49-1413, Revised Statutes Supplement, 1982, be amended to read as follows:

49-1413. Committee shall mean (1) any combination of two or more individuals which receives contributions or makes expenditures of over ~~four hundred~~ one thousand dollars in a calendar year for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of one or more candidates, or the qualification, passage, or defeat of one or more ballot questions, or (2) a person, as defined in section 49-1438, whose primary purpose is to receive contributions or make expenditures and receives or makes contributions or expenditures of over ~~four hundred~~ one thousand dollars in a calendar year, for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of one or more candidates, or the qualification, passage, or defeat of one or more ballot questions, except an individual, other than a candidate, shall not constitute a committee. Except as otherwise provided in section 49-1445, a committee shall be considered formed and subject to the provisions of sections 49-1401 to 49-14,138 upon raising, receiving, or spending over the ~~four hundred~~ one thousand dollars in a calendar year referred to in this section. A corporation, labor organization, or industry, trade, or professional association is not a committee if it makes expenditures or provides personal services or receives

contributions pursuant to the provisions of section 49-1469.

Sec. 3. That section 49-1454, Revised Statutes Supplement, 1982, be amended to read as follows:

49-1454. (1) Any committee supporting or opposing one or more candidates or the qualification, passage, or defeat of one or more ballot questions shall file a legibly printed or typed campaign statement. The period covered by a campaign statement is the period beginning with the day after the closing date of the most recent campaign statement which was filed, and ending with the closing date of the campaign statement in question. If the committee filing the campaign statement has not previously filed a campaign statement, the period covered shall begin with July 1, 1977, or the date on which the committee was formed if the committee is formed after July 1, 1977; PROVIDED, the period shall begin for a committee from the date the committee raised, received, or expended any money if the committee is formed after July 1, 1977.

Any committee which raises or spends more than one thousand dollars in a calendar year in support or opposition of one or more candidates or the qualification, passage, or defeat of one or more ballot questions, shall file a legibly printed or typed campaign statement. Any committee which supports or opposes the campaign of candidates for office shall file campaign statements when its combined financial activity in a primary and general election held in the same calendar year exceeds one thousand dollars. The period covered by a campaign statement is the period beginning the day following the closing date of the committee's most recent campaign statement or for committees who have never filed a campaign statement, on the date the person or persons forming the committee raised, received, or expended any money.".

2. On page 2, line 11, strike "four hundred", show as stricken, and insert "one thousand"; and in line 12 strike "section" and insert "sections 49-1413," and before "Revised" insert "and 49-1454,".

3. Renumber original sections 1 and 2 as sections 2 and 4 respectively.

(Signed) Elroy Hefner, Chairperson

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

Governor's Appointments - Nebraska Accountability and Disclosure Commission
Miles Johnston, Jr., Thursday, February 24, 1983 1:30 p.m.
Pat Morocco, Thursday, March 10, 1983 1:30 p.m.

(Signed) Elroy Hefner, Chairperson

Public Health and Welfare

LB 470	Monday, February 28, 1983	1:30 p.m.
LB 161	Monday, February 28, 1983	1:30 p.m.
LB 323	Monday, February 28, 1983	1:30 p.m.
LB 517	Monday, February 28, 1983	1:30 p.m.
LB 416	Tuesday, March 1, 1983	1:30 p.m.
LB 93	Tuesday, March 1, 1983	1:30 p.m.
LB 254	Tuesday, March 1, 1983	1:30 p.m.

Governor's Appointment, Tuesday, March 1, 1983 1:00 p.m.
Gina Dunning, Department of Public Welfare

(Signed) George Fenger, Chairperson

Judiciary

LB 499 Monday, March 14, 1983 (Cancelled) 1:30 p.m.

Governor's Appointments

Monday, March 14, 1983 1:30 p.m.
Col. D. J. Kohmetscher, Superintendent, Nebraska State Patrol

Tuesday, March 15, 1983 1:30 p.m.
Marj Marlette, Nebraska Board of Parole

Wednesday, March 16, 1983 1:30 p.m.
Charles Benson, Director, Department of Correctional Services

(Signed) Chris Beutler, Chairperson

ANNOUNCEMENT

Mr. Beutler announced the Judiciary Committee hearings, March 9, 1983, 7:00 p.m., will be changed to room 1113 for the following bills: 525, 399, and 507.

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 583. Placed on General File as amended.
Standing Committee amendments to LB 583:
AM0304

1. On page 2, lines 8 and 12, strike "third party", show as stricken, and insert "third-party"; and in line 16 strike "ten mile" and insert "five-mile".

2. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) George Fenger, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 439A. By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 439, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 90A. By Pappas, 24th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 90, Eighty-eighth Legislature, First Session, 1983; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Messrs. Barrett and Lamb asked unanimous consent to print the following amendment to LB 185 in the Journal. No objections. So ordered.

AM0352

1. On page 5, strike the new matter in lines 22 and 23.

2. On page 6, line 1, after the period insert "Such waiver, as prescribed by the Nebraska Workmen's Compensation Court, shall include a statement in substantially the following form: Notice. I am aware that health and accident insurance policies frequently exclude coverage for personal injuries caused by accident or occupational disease arising out of and in the course of employment. Before waiving my rights to coverage under workmen's compensation law, I certify

that I have carefully examined the terms of my health and accident coverage."; and strike the new matter in lines 10 through 14.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 21 and 248.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 21

ER0007

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Schmit, Wesely amendment on page 466 of the Journal, number 2, line 4, before "as" the comma has been stricken.

2. Because of the Schmit, Wesely amendment, on page 5, line 26, strike "(4)" and insert "(5)".

3. In lieu of the Cullan amendment, on page 4, line 23 of the bill, "two" has been struck and "three" inserted.

4. In the Cullan, et al amendment, on page 1, line 7, before "except" an underscored comma has been inserted; and in line 9, "their uses" has been stricken and "his or her use" inserted.

(Signed) Tristi J. Wilson
E & R Attorney

VISITORS

Visitors to the Chamber were 14 juniors and seniors and teacher from Murdock; and Mrs. Ed Howe from Humboldt.

ADJOURNMENT

At 12:02 p.m., on a motion by Mr. Lundy, the Legislature adjourned until 9:00 a.m., Thursday, February 17, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-NINTH DAY - FEBRUARY 17, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 17, 1983

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Pastor C. O. Lehman, Berean Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Carsten, Cullan, Fowler, and Hoagland who were excused; and Messrs. Barrett, Chambers, Clark, Doyle, Jacobson, V. Johnson, Newell, Remmers, Schmit, Warner, Wesely, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Eighth Day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board of the Nebraska State Legislature herewith submits the attached Reports No. VII and VIII on Referencing of Gubernatorial Appointments for the approval of the Nebraska State Legislature.

Banking, Commerce and Insurance
Donald N. Dworak, Director, Department of Economic Development

Miscellaneous Subjects
Lucy Buntain, Nebraska Arts Council
Albert T. Davis, Nebraska Arts Council
Ted Kooser, Nebraska Arts Council

(Signed) Vard Johnson, Chairperson

Legislative Council Executive Board

UNANIMOUS CONSENT - Withdraw Name

Mr. Lundy asked unanimous consent to have his name withdrawn as co-introducer to LB 546. No objections. So ordered.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Lundy asked unanimous consent to have his name added as co-introducer to LB 456. No objections. So ordered.

APPRECIATION

Received notice of appreciation from Mr. Kremer expressing thanks for your kindness.

MOTION - Approve Appointment

Mr. Haberman moved the adoption of the report of the Agriculture and Environment Committee for the following Governor appointment found in the Journal on page 491: William Metzger - Gasohol Committee.

Voting in the affirmative, 25:

Abboud	Barrett	Beyer	Chronister	DeCamp
Eret	Haberman	Hefner	Higgins	Johnson, L.
Johnson, R.	Kahle	Kilgarin	Lundy	Marsh
Morehead	Pappas	Peterson, H.	Peterson, R.	Pirsch
Rupp	Vickers	Von Minden	Wagner	Wiitala

Voting in the negative, 1:

Landis

Present and not voting, 8:

Beutler	Fenger	Goll	Goodrich	Hannibal
Lamb	Nichol	Sieck		

Excused and not voting, 15:

Carsten	Chambers	Clark	Cullan	Doyle
Fowler	Hoagland	Jacobson	Johnson, V.	Labedz
Newell	Remmers	Schmit	Warner	Wesely

The motion to not confirm the appointment prevailed with 25 ayes, 1

nay, 8 present and not voting, and 15 excused and not voting.

EXPLANATION OF VOTE

Had I been present, I would have voted No on the Ag Committee motion of an unfavorable report on William Metzger appointment to the Gasohol Committee.

(Signed) Jerome Warner

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

Governor's Appointment
Tuesday, March 1, 1983 1:30 p.m.
Kandra Hahn, Director, Nebraska State Energy Office

(Signed) John W. DeCamp, Chairperson

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 213. Placed on General File as amended.
Standing Committee amendments to LB 213:
AM0350

1. On page 3, line 14, strike "pari-mutuel", show as stricken, and insert "parimutuel".
2. On page 10, strike beginning with the comma in line 11 through "1963" in line 13 and show as stricken.
3. On page 19, line 15, strike "J" and insert "I".
4. On page 25, line 25, after "fraternal" insert ", charitable,".
5. On page 29, line 6, strike "articles" and insert "article"; in line 8, after the comma insert "except that any additional requirements imposed by this subdivision on the effective date of this act shall not prevent any person holding a license on such date from retaining or renewing such license if the conviction or plea occurred prior to the effective date of this act,"; and in line 27 before the period insert ", except that no divestiture of stock shall be required in order for a corporation to retain or renew a license held on the effective date of this act".
6. On page 31, line 25, strike "incompetant" and insert "incompetent".
7. On page 32, strike beginning with "Except";

in line 2 through "retail" in line 3, show as stricken, and insert "Retail".

8. Insert the following new section:

"Sec. 22. 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 251. Placed on General File as amended.
Standing Committee amendments to LB 251:
AM0151

1. Strike original sections 2, 3, 10 to 15, 17 to 20, 23, and 26 to 33.

2. On page 16, line 12, reinstate "alcoholic liquors,"; and in line 13 strike the new matter and the old comma and show the old comma as stricken.

3. On page 17, line 2, reinstate "alcoholic liquors"; and in line 3 strike "beer, wine, alcohol, and spirits".

4. On page 20, in lines 1, 4, and 6, strike "wines" and insert "beer and wine"; and in lines 8, 11, and 13 strike "spirits" and insert "liquors".

5. On page 21, line 14, after the period insert "In the absence of any vote on the question of licensing the sale of any alcoholic liquors in a city, village, or county, the commission shall continue to issue such licenses in such city, village, or county for one-year periods, subject to all of the provisions of Chapter 53."

6. On page 35, line 3, strike "capcity" and insert "capacity"; and in line 25 strike "and".

7. On page 36, line 11, strike the underscored period and insert an underscored semicolon; after line 11 insert:

"(7) For a commercial carrier's license, for consumption within the confines of a passenger or public service area used for transportation or accommodation of passengers, one hundred dollars, and for each duplicate, five dollars. Each licensed commercial carrier shall keep a duplicate of such license posted where such alcoholic liquors are served. A surety bond in the penal sum of one thousand dollars shall be required from each such licensee;"; in line 12 strike "(7)" and insert "(8)"; after line 18 insert "and

(9) For a restricted retailer's license:"; in line 19, strike "(8)" and insert "(a)"; in line 22, strike "(a)" and insert "(i)"; in line 23, strike "(b)" and insert "(ii)"; and in line 26, strike "(c)" and insert "(iii)".

8. On page 37, line 2, strike "(d)" and insert "(iv)"; in line 3 strike the underscored period and insert an underscored semicolon; in line 4 strike "(9)" and insert "(b)"; in line 7 strike the underscored period and insert an underscored semicolon; in line 8 strike "(10)" and insert "(c)"; in line 15 strike "(a)" and insert "(i)"; in line 20 strike "(b)" and insert "(ii)"; and in line 25 strike "(c)" and insert "(iii)".

9. On page 38, line 9, strike "(d)" and insert "(iv)".

10. On page 40, line 13, strike "(8) or (9)" and insert "(9)(a) or (9)(b)"; in line 17 strike "(10)" and insert "(9)(c)"; and in lines 22 to 23 and 25 to 26 strike beginning with "two" through "VI" and insert "a commercial carrier's license".

11. On page 41, lines 1 to 2, strike beginning with "two" through "VI" and insert "a commercial carrier's license"; in line 4 strike "subivision" and insert "subdivision"; in line 5 strike "and"; after line 5 insert:

"(15) A Class 1, 2, 3, 4, or 5 license shall be converted to a Class A, B, C, D, or E license, respectively; and"; and in line 6 strike "(15)" and insert "(16)".

12. On page 61, line 27, strike beginning with "railroad" through "airline" and show as stricken.

On page 62, line 1, strike beginning with the first "license" through the second "license", show the old matter as stricken, and insert "and commercial carrier's license".

14. Strike original section 34 and insert the following new section:

"Sec. 13. That original sections 53-107, 53-122, 53-123, 53-123.04, 53-123.07, 53-124, 53-138.02, and 53-138.03, Reissue Revised Statutes of Nebraska, 1943, and sections 53-103, 53-132, 53-146, and 53-147, Revised Statutes Supplement, 1982, are repealed.".

15. Renumber remaining sections accordingly.

(Signed) Elroy Hefner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 194 in the Journal. No objections. So ordered.

1. On page 2 in section 1 begining after mean in line 8 reinsert the striken language through the comma in line 13.

GENERAL FILE

LEGISLATIVE BILL 145. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 383. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 238. 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 298. 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 301. Title read. Considered.

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 199 in the Journal. No objections. So ordered.

AM0359

1. Insert the following new section:

"Sec. 3. In addition to the permits issued pursuant to section 37-1105, a person may purchase up to two duplicate permits for additional motor vehicles. In order to qualify for purchasing duplicate permits, such person shall present to the vendor (1) the registration certificate of each motor vehicle for which duplicate permits are sought to be purchased and (2) proof of purchase of the initial permit issued pursuant to section 37-1105. The duplicate permits shall contain the identical registration number found on the initial permit and shall be valid only for the time period

covered in the initial permit. A fee of two dollars shall be charged for each duplicate permit issued.".

2. Renumber original sections 3 and 4 as sections 4 and 5 respectively.

MOTION - Proposed Rule Change

Mr. Hoagland moved to amend Rule 6 by inserting a new section 2 and renumbering the remaining sections accordingly:

Section 2. Each Legislator before presenting any amendments on the floor shall make all reasonable efforts to show those amendments to the principal sponsor of the bill, and shall make a good faith effort to resolve his or her differences with the principal sponsor.

Referred to Rules Committee.

NOTICE OF COMMITTEE HEARING
Rules

Proposed rule changes - Thursday, February 24, 1983 8:00 a.m.
Hoagland rules change found in this day's Journal
Von Minden rules change found on page 491 of Journal

(Signed) Peter Hoagland, Chairperson

GENERAL FILE

LEGISLATIVE BILL 382. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 208. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 70. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 210. Title read. Considered.

Pending.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 16, 1983. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Ayres, Joseph W. - Lincoln, Nebraska Society of Independent Accountants; Negley, William H.
Campbell, John C. - Omaha, (withdrawn 1-4-83), Greater Omaha Chamber of Commerce
Deegan, Dr. John F. - Bellevue, Bellevue Public Schools
Farrell, Dianne - Chantilly, VA, Recreation Vehicle Industry Association
Johnson, Joseph E. - Anselmo, Common Cause/Nebraska; Nebraska Conservation Officers Association
Kronberg, Wendell - Ralston, Great Plains Chapter, Paralyzed Veterans of America; Ralston Area Chamber of Commerce
Moeller, James E. - Lincoln, Brotherhood of Locomotive Engineers, Nebraska State Legislative Board
Noren, Charles F. - Lincoln, Excel Merchandise and Novelty Co., Inc.
Peters, William E. - Lincoln, Railway Progress Institute
Ryan, James E. - Lincoln, Nebraska State Colleges - Board of Trustees
Shipley, Parker L. - Omaha, Guarantee Mutual Life Company
Skochdopole, Robert A. - Omaha, Governors of the Knights of Ak-Sar-Ben
Sorich, Peter - Omaha, Omaha Police Union Local 101
Velotta, Michael J. - Northbrook, IL, Allstate Insurance Company

STANDING COMMITTEE REPORT
Government, Military & Veterans Affairs

LEGISLATIVE BILL 338. Placed on General File as amended.
Standing Committee amendment to LB 338:
AM0342
1. On page 3, strike beginning with "a" in line 11 through "responsibilities" in line 14 and insert "the General Fund".

(Signed) David Landis, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 20, 30, 34, 81, 82, 83, 87, 104, 149, 195, 367, 401, and 413.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 87

ER0009
The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendment, page 1, line 5, after "eliminate", "certain" has been inserted.

Enrollment and Review Change to LB 413

ER0008
The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 1, "section" has been stricken and "sections" has been inserted, and "and 81-1,103" has been inserted after "81-197".

(Signed) Tristi J. Wilson
E & R Attorney

MOTION - Escort Chief Justice

Speaker Nichol moved that a committee of five be appointed to escort the Chief Justice for the purpose of delivering the State of the Judiciary address.

The motion prevailed.

The Chair appointed Messrs. Beutler, Jacobson, Mesdames Pirsch, Morehead, and Miss Kilgarin to serve on said committee.

The committee escorted Chief Justice Krivosha to the rostrum where he delivered the following message:

STATE OF THE JUDICIARY MESSAGE
February 17, 1983
Presented by Chief Justice Norman Krivosha

Before beginning to present to you the state of the Nebraska Judiciary, may I take a moment to once again, on behalf of the entire judiciary, thank you for your very kind invitation to appear before this body and present to you a report on the State of the Judiciary. The opportunity to do so has become what we hope is an important tradition within our State. We should, however, emphasize that we view the presentation as much more than mere tradition. Those of us in the judicial branch of government view this as an important and vital part of government, both for us and for you, for it is an opportunity to share with each of you the condition of the judicial branch of government and what, if any, changes need to be made. We are hopeful, therefore, that this invitation will be more than just a tradition for you as well. By sharing with you these matters, we are hopeful that both branches of government can better fulfill their constitiutional responsibility. For, as the late President Kennedy observed: "The task of government is not to fix the blame for the past, but to fix the course for the future." That is undoubtedly what our founders had in mind when adopting Article V, Section 25, of our State Constitution.

Were I to share with you all of the details concerning the State Judiciary, I would quickly overstay my welcome. For that reason I have selected particular aspects which I believe should be of particular interest to you. Keep in mind, however, we are talking about a branch of state government given the direct responsibility for 120 judges and some 500 employees in 96 offices throughout the State, as well as the indirect effect on hundreds of other persons involved in some manner in the justice system in Nebraska.

One matter of national concern is the problem of docket control in the courts. In a number of states, intermediate courts of appeal have been created in an effort to try and handle the docket problem at the appellate court level. Chief Justice Warren Burger, in his recent State of the Judiciary Message presented at the mid-year meeting of the American Bar Association, suggested the creation of a new national court of appeal to assist the United States Supreme Court. While all of those devices may ultimately be required here in Nebraska, for the moment, with your help, we at the Court have looked in another direction. Rather than attempting to solve the problem by creating more costly procedures, we have attempted to turn the tide by having the present system work even harder than it has in the past. There are some early signs which are extremely encouraging and, if continued, may indeed prove to be a better solution to the extremely difficult problem than those tried by other states.

With your assistance and by reason of your amending several statutes at our request, the Court has been able to expand its court schedule. The Court is now sitting 30% more than it was two years ago. While that expanded program has imposed greater burdens upon an already burdened court and staff, the results have been rewarding. For the 12-month period ending August 30, 1982, the Supreme Court disposed of 940 cases as opposed to 786 disposed of during the previous

12-month period. Of that number, 459 were decided by full opinion. This constituted an increase of 109 more full opinions for the 12-month period.

By any standards known throughout the country those numbers indicate the efforts of a court working far beyond its ideal numbers and perhaps even beyond numbers which are realistic. I believe that I can say that it is not possible for the Court to realistically handle any greater volume than it is now handling without making some significant changes, including sacrificing some of the quality of its opinions. I might even suggest that attempting to handle the volume we are presently handling strains the Court in its desire to produce carefully considered and well written opinions. We have, in my view, reached the maximum level of production and perhaps have even exceeded it. If we are to continue addressing the problems of an ever expanding docket we cannot hope to solve the problems by hearing more arguments or writing more opinions but, instead, must seek other solutions.

One of those solutions we have turned to has been the Preargument Settlement Conference. This is a procedure, as you know, where retired judges of the court are employed by the Supreme Court. Their function is to meet with lawyers and, in some cases, their clients, and review cases which are on appeal to this Court. This procedure was first instituted in 1981 and has continued to prove successful.

Figures maintained by the Settlement Conference Officers disclose that for the period from July 1, 1981, to June 30, 1982, conferences were held in 407 cases resulting in 267 of those cases settling without any further action required by the Court. This amounts to a success rate in excess of 65%. That number becomes even more significant when you recognize that one of the parties to that conference has already obtained a successful verdict. Even with regard to those cases which do not settle, something is to be gained. In a number of the cases the issues are narrowed, thereby reducing the cost of the appeal and assisting the Court in addressing the unanswered questions. Prior to January 1, 1983, only a limited number of cases were required to be submitted to Settlement Conference while a host of others came only on a voluntary basis. Because of the success of the program, the Court determined that beginning January 1, 1983, all cases appealed to the Supreme Court would first be reviewed through the Settlement Conference. While we are hopeful that this procedure will continue to assist the Court and therefore the State in addressing the workload of the Court, we must solicit your support in permitting us to continue using retired judges to carry out this very important and worthwhile project. The cost is minimal when compared to the benefits realized. While there are similar programs throughout the United States, few, if any, seem to have enjoyed the success of our program. For that reason we continue to monitor the program closely to be certain that the maximum benefit of the program can be realized.

The matter of workload at the appellate court level is only one of many issues facing an ever expanding court system. The proper

utilization of court personnel, including judges, is another important issue. For that reason, we have proposed to you the adoption of expanded in-chambers jurisdiction for judges. This is found in the current L.B. 272, heard on Tuesday by the Judiciary Committee. We ask your support for that bill. Outside of Lincoln and Omaha, our judges are principally circuit-riders, often times required to drive long distances for relatively brief hearings. By adopting L.B. 272 greater utilization of the telephone would come about, thereby permitting matters to be handled by conference call, even though the judge may be in one county and the lawyers in two others. We believe that this will be significant in helping hold down both the cost of litigation and the waste of a judge's time, needlessly driving all over the State, when the matter could just as well be handled by telephone. It is the use of such systems that offer to us the greatest hope for success.

There are, of course, those who suggest that too many things are litigated today. While it may be desirable to encourage people to get along better; if, indeed, disputes do arise, there appears to be no better way to resolve them than through the peaceful process of the courtroom. Consider, if you can, what a society without an independent legal system would be like. Experience has taught that when individuals cannot bring their disputes to the courtroom and resolve them in calm, they are inclined to take their disputes to the streets and seek to resolve them in anger. For that reason, if for no other reason, we must continue to make the courts available to all. It was on that basis that the framers of our State Constitution included Article I, Section 13, which provides that: "All courts shall be open, and every person, for any injury done him in his lands, goods, person or reputation, shall have a remedy by due course of law, and justice administered without denial or delay." Our desire to improve the administration of justice is not motivated alone by personal views but as well due to our mutual constitutional obligation to bring it about.

It is for that reason that the Court has continued to concern itself with preventing court delay at all levels even before a problem develops. We are extremely fortunate in this State that delay at the trial level has not generally been a serious problem nor has it posed the difficulties which many states now face. In an effort, however, to insure that we keep on top of that situation, a special committee appointed by the Court and headed by Justice William Hastings during the past year, drafted rules concerning the operation of courts. These rules were submitted to the Supreme Court and by the Court adopted. Under these rules, all judges at every level must file a certificate with the Supreme Court each month advising the Court of any case which that judge has had under advisement for more than 90 days since the taking of evidence. The purpose of the rule is obviously to prevent cases from being held under advisement for inordinate periods of time. The rule seems to be accomplishing its purpose in that few cases are now held under advisement for more than 90 days. In addition, guidelines have further been developed for the courts which provide that cases must be

heard on the merits within prescribed periods of time, varying depending upon the nature of the case, but in no event more than 18 months after the date of filing. The obvious purpose of this rule is to prevent long delays between the filing of a case and the trial of the case as is so common in other states. While the rules do provide that longer intervals may be approved when deemed necessary because of extraordinary eventualities, such as exceptionally complicated discovery, stabilization of injury in a personal injury case or settlement of financial affairs, nevertheless, the guidelines are intended to generally be followed. The Court is firm in its belief that justice delayed is justice denied and steps must be taken to avoid that situation whenever possible.

I should further report to you that we have carried out the mandate given to us by you during the last session of the Legislature. You may recall that the discovery rules in Nebraska provided by statute were repealed and in its place authority was given to the Supreme Court to promulgate rules for discovery. Appropriate rules were developed and distributed to interested groups. Thereafter a public hearing was held and comments were received. Following all of that, the rules were adopted effective January 1, 1983, and are now in place.

Turning then to another subject, the Court, in its continuing effort to provide the general public with a better understanding of the judicial branch of government, has amended its previous Canon 35 so as to permit cameras and recording devices in the Supreme Court. Beginning October 1, 1982, cameras and recording devices, in a limited manner and pursuant to rules promulgated by the Court, have been permitted during oral argument in the Supreme Court. This modification and waiver applies only to the Supreme Court and does not, at this time, apply to any other courts in Nebraska. It is yet too early to determine whether the experiment has been successful except to say that the use of the devices to date appears to have caused no significant disruption in either the operation of the Court or the administration of justice. Whether the public has gained sufficiently by reason of the press being permitted to bring cameras and recording devices into the courtroom is yet unknown. We will continue to monitor that procedure in our effort to find further ways of permitting the public to be aware of what transpires at the Court.

Another matter which may be of particular interest to you concerns the retention of judges under the merit selection system. Because we firmly believe that the public should be given every opportunity to participate in this process in a knowledgeable and meaningful way, we have requested the State Bar Association to develop a meaningful system of evaluating judges who are subject to retention. By that we do not mean simply a polling system which reflects whether an individual lawyer has had a successful experience or an unsuccessful experience with a judge but, rather, whether a judge displays the characteristics important for a judge, such as whether the judge displays judicial temperament, is industrious, knows the law, is

impartial, and is punctual. In my view, the public is deserving of such assistance from the Bar and I am pleased that the Bar has agreed to undertake such a project. I believe that when that program is completed and in place, the merit selection system will be greatly enhanced and will continue to fulfill the purposes for which it was intended.

Having now shared with you some of the results of the past, let me now share with you some of the concerns of the future. For, indeed, if government, regardless of the branch, is to thoughtfully serve the public, not only must it look back to see where it has been, but it must likewise look forward to see where it must go. It was Abraham Lincoln who observed that the legitimate object of government is to do for a community of people whatever they need to have done, but cannot do at all in their separate and individual capacities. And Edmund Burke who noted that government is a contrivance of human wisdom to provide for human wants.

The first matter which I wish to discuss with you concerns what I shall describe as the need for the preparation of a legal impact statement in connection with proposed legislation. After many years of being able to disregard the fiscal impact that proposed legislation might have upon the public, this body, a number of years ago, carefully and thoughtfully instituted a procedure which now produces a fiscal impact statement in connection with proposed legislation. As you know, all legislation is required to be examined by various governmental agencies who must advise you as to their best estimate of the fiscal impact the adoption of legislation will have. That fiscal impact is generally directed to the immediate or near immediate time. There is, of course, another effect brought about by the passage of legislation which, though it may not be as immediate, is as important. This is what I refer to as the legal impact. Passing a statute may not require you to appropriate funds immediately. Nevertheless, the passage of that statute may result in so significantly increasing the workload of the courts, or the law enforcement agencies, or the probation department so as to either effect the agency's ability to carry out the mandate of the specific legislation or, in any event, divert its attention from fulfilling other previously imposed duties. I believe we need to begin giving such matters more careful consideration. We must start looking a little further down the road to see just where we are going and what it will really cost, not only in money but in time and effort as well. I am not prepared this morning to suggest to you how that should be done but only that we should begin, at the earliest possible moment, to consider that fact and begin to develop appropriate procedures for providing the necessary information. In order to do so we must determine, among other questions, what should be the proper scope of the statement, who should prepare the statement, what unit of government should be responsible for preparing the statement, and when should a statement be prepared.

As but a brief example of the importance of a legal impact statement, let me share with you for a moment a California experience.

Beginning January 1, 1976, California reduced the penalty for simple possession of not more than 1 ounce of marijuana from a felony to a misdemeanor, punishable by not more than a $100 fine. Everyone assumed the passage of the bill would reduce the criminal workload in California because the processing of misdemeanors was less difficult and less time-consuming than felonies. What California did not know was that local law enforcement personnel in one of the communities had not been actively pursuing cases involving less that 1 ounce of marijuana. The officers and those with whom they coordinated their activities believed that the chances of obtaining a conviction under the former felony statute did not justify the required amount of justice system resources, including time. As a result, law enforcement officials simply used their authority to confiscate the drugs and then screened the cases from the justice system. Once, however, the crime was reduced from a felony to a misdemeanor, law enforcement officials more vigorously enforced the law. Instead of reducing the workload as had been previously anticipated, the workload was significantly increased resulting in greater filings in the municipal court, a fact which no one had considered possible when considering the legislation. There are many other examples such as this, both outside our State and even within our State. I firmly believe that some of the disappointment experienced by this body initially and by the public subsequently in connection with legislation adopted by this body could be minimized if a meaningful system for preparing a legal impact statements could be devised. In this way you could know whether the bill is likely to produce the result desired or was only cosmetic.

And as I share with you my thoughts concerning the development of a legal impact system, I am again reminded of what I see as the development of an unfortunate practice. I refer to the practice of introducing legislation directly affecting the operation of the court system without first seeking suggestions from the judicial branch of government. I do not, for a moment, mean to diminish the authority of the Legislature to initiate any bill it desires nor to dim the constitutionally created separation of powers. I mean to only suggest that you are missing the availability of a valuable resource when you fail to use the office of the Court Administrator. I regret that we have failed, over the years, to develop some system whereby the three branches of government might have an exchange of ideas on a regular basis. I remain firmly convinced that, just as this has been done between the legislative and executive branches of government without sacrificing any authority, so too could it be done between the three branches of government. I again offer to participate in such a program if one can be developed. I believe the people of Nebraska will better be served by reason of our undertaking such an endeavor. It was Samuel Johnson who once said, "Knowledge is of two kinds. We know a subject ourselves, or we know where we can find information upon it." In an ever expanding and complex society, we must expand our knowledge by expanding our sources of knowledge.

As I conclude my report to you this morning let me touch on one other general subject of great concern to all of us. I speak, of course, of the matter of crime generally and the role which the courts must play in addressing that issue. Contrary to public slogan, the courts are not to blame for today's incidents of crime any more than firemen are to blame for fires or raincoats for rain. It is not the firemen who create the fires nor the raincoats that cause the rain and it is not the courts that create crime. In order for that to be true, one must assume that those who ascend to the bench do not come from the general population nor do they have family or property requiring protection. Moreover, for the slogan to be true, it must be assumed that, for reasons no one seems able to explain, the judges have taken up with the criminal element rather than with the public generally. The difficulty with that belief is not only that it treats the jucidiary unfairly, but it likewise blinds us so that we are unable to find real solutions to these difficult problems. We must first of all recognize that courts are not unlimited in either their authority or their ability to deal with crime. Courts are not at liberty to disregard constitutional prohibitions nor statutory requirements. Simply suggesting that such matters can be interpreted away is simply to fail to understand the American legal system. It was Woodrow Wilson who said: "Unless justice be done to others, it will not be done to us." And Gladstone who observed that national injustice is the surest road to national downfall. Nor should we disregard Alexander Hamilton's admonition that the first duty of society is justice. Doing away with justice will not do away with crime.

I believe the problem may be caused more by two other beliefs firmly held by the public but which time and experience have proven untrue. They are that irrational behavior present during the commission of a crime can be deterred by the the threat of punishment and that punishment itself, absent anything else, will subsequently produce a law-abiding citizen. Neither of those notions are supported in fact. Yet, to a large extent, the actions we take in addressing crime today are based upon the truth of those beliefs. I believe that it is because of our failure to recognize the fallacy in those beliefs that we have thus far been unsuccessful in our fight against crime. It is true that some people are deterred in committing some crimes in face of some punishment; but no one must believe that the majority of those who commit crimes are deterred by the threat of punishment. One need only look at the rate of recidivism among previously convicted felons to recognize that even after an individual has experienced prison, he or she may be inclined to commit another felony. Therefore, to simply adopt more laws prescribing longer sentences will not reduce crime and those who believe that are destined to be disappointed. Such laws may produce longer jail sentences but those sentences can be imposed only after a crime has been committed. The judicial system has no way of directing its forces toward individuals unless and until a crime has been committed. Therefore, the adoption of longer sentences, without anything else, will only produce larger prisons that may satisfy our

desire for revenge, but it will not result in significantly reducing the incidents of crime.

It therefore occurs to me, as I hope to you, that we could better use our time and our resources working with those whom we have identified as criminals in an effort to change their ways as opposed to simply continuing to declare more acts criminal, imposing longer sentences, and walking away.

Unless we are prepared to impose life sentences for all crimes (a fact I take we are not prepared to do), we must recognize that at some point everyone we send to prison is likely to be released; and, unless we are prepared to use the time we have them imprisoned and spend the money necessary to change their attitudes before we release them back into society, we cannot expect much by way of an improved population. If, for 8 or 9 years, we teach an individual not to be responsible, not to work, not to make decisions, and not to follow the same rules by which the outside world lives, we should not be surprised if upon return to society he or she fails to live up either to our rules or our expectations.

Preliminary studies indicate that as much as 30% of the Nebraska prison population is illiterate, in a country in which the illiteracy rate is minimal. Should that not tell us something about the basic characteristics of the criminal and what one of the serious problems with crime is? And should it not further encourage us to try and remove that illiteracy while we have them incarcerated so that the individual, upon returning to society, may have at least the same minimal tools to work with which the rest of us have? The question is no longer whether we can afford to change to such programs but, only whether we can afford not to change to such programs. Unless and until the criminal element is exposed to appropriate role models who can convince the criminal about the joy of lawfulness, nothing we do in building larger facilities nor imposing longer sentences is likely to prove effective.

I recognize that programs such as education, vocational training, and psychological counseling will not eradicate crime. But we should not be looking for a Salk-like vaccine for crime. These problems have taken years to develop and will, likewise, take years to resolve. But we must start somewhere.

Probation poses the same type problem. While, on the one hand, we are encouraged to extend to the first-time offender another chance and place him on probation, we are, at the same time, unable to provide that individual with either meaningful supervision or appropriate direction. At the present time, those in charge of probation are both too few in number and too poorly paid to perform the full functions they need to perform. Yet, every individual who is saved through probation is one less individual whom we must later provide for in the penitentiary. We must give more thought to what we can do with the first-time offender placed on probation. The necessary programs now available are simply too few. We must begin to look at the real causes of crime and criminal behavior and enlist not only government but all of society in combating this difficult and never-ending problem. We will

not, of course, eliminate crime. It has been with us since the very beginning. That should not be our goal. But if, in fact, we can establish clear and concise objectives which are designed to change the criminal behavior, we may be able to yet turn the tide. We will not be successful in every case and, to be sure, we will fail with some. But if we can develop an understanding program brought about through the joint efforts of all three branches of government and the public generally, we may yet be able to save this great country.

The one general consensus growing out of the Court's recent symposium on crime held last fall was the need for better communication, understanding, and cooperation between the various branches of government and their many agencies involved in the criminal justice system. And yet, while the suggestion seems so simple and so obvious, little if anything has been done toward bringing it about. I again invite and urge this body to join with us in addressing this very important issue.

One need only examine events in various parts of the world to realize the value and importance of a free and independent legal system such as that which exists in America. In order for that system to continue to fulfill its function it must adjust with the times. Those adjustments cannot be made without your help and cooperation though, to be sure, those adjustments should not be made in such manner as to cause erratic and constant changes of course. The change will cause some pain, that is natural. Yet, we must not be afraid of either the pain or the change. As E. B. White noted: "The only sense that is common in the long run is the sense of change—and we all instinctively avoid it." We must no longer instinctively avoid change with regard to our fight against crime. We must not insist on retaining the status quo simply because it provides us with comfort, but must be willing to adjust as times and needs require while recognizing that merely making adjustments may not bring about change but may only make waves. For a nation which can, at will, move people and equipment in and out of space, who can design machines to nearly think like a human, and who can replace nearly every vital organ of the human body, one must believe that the solutions to crime are available. We of the Judiciary wish to join with you in that endeavor and we solicit your invitation to permit us to join with you.

In conclusion, let me therefore report that the Judiciary of Nebraska is alive and well and anxiously looking forward to the challenges ahead.

Thank you very much.

The Committee escorted Chief Justice Krivosha from the Chamber.

EASE

The Legislature was at ease from 10:35 a.m. until 10:38 a.m.

GENERAL FILE

LEGISLATIVE BILL 210. Considered.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?"

Mrs. Higgins moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The motion to cease debate prevailed with 25 ayes, 2 nays, and 22 not voting.

SPEAKER NICHOL PRESIDING

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Beyer	Chambers	DeCamp	Doyle	Eret
Fenger	Hannibal	Higgins	Johnson, L.	Johnson, R.
Kilgarin	Landis	Marsh	Morehead	Pappas
Peterson, H.	Pirsch	Rupp	Schmit	Sieck
Vickers	Wesely	Wiitala		

Voting in the negative, 16:

Abboud	Barrett	Chronister	Clark	Goll
Goodrich	Haberman	Jacobson	Kahle	Lamb
Lundy	Nichol	Peterson, R.	Remmers	Von Minden
Wagner				

Absent and not voting, 3:

Beutler	Hefner	Warner

Excused and not voting, 7:

Carsten	Cullan	Fowler	Hoagland	Johnson, V.
Labedz	Newell			

Failed to advance to E & R for Review with 23 ayes, 16 nays, 3 absent and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

Mr. Hefner asked unanimous consent to be excused. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 31.

Introduced by Wesely, 26th District; DeCamp, 40th District.

Private Sector Financing of State Weatherization

WHEREAS, Nebraska imports over 95 percent of its primary energy needs which cost Nebraska businesses, households, farms, and industries nearly $3 billion in 1982;

WHEREAS, Nebraska's imported energy bill between 1981 and 1982 grew by about $300 million and energy inflation has become one of the most inflationary items in local and state governments' budgets;

WHEREAS, the Nebraska Legislature in 1981 enacted LB 158 which provided for energy audits to be performed on Nebraska's state buildings by the Nebraska Energy Office and this program has resulted in about 650 state buildings being audited by the end of 1982;

WHEREAS, these state building audit recommendations estimate that the State of Nebraska could reduce its annual utility costs by over $1 million if these recommendations were implemented;

WHEREAS, based on these audit findings and other state agency investigations, over $17 million worth of energy conservation projects have been submitted to the Nebraska Building Renewal Task Force for funding for the next fiscal year;

WHEREAS, undertaking and completing these energy conservation projects is financially prudent and in the best interest of the taxpayers of the state;

WHEREAS, individuals, organizations, businesses, and corporations in the private sector of the Nebraska and U.S. economies do have available investment capital for this type of secure, high yielding, short term investments; and

WHEREAS, government bodies in other parts of the United States are using private sector third party financing for such projects;

NOW THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE, 88th LEGISLATIVE SESSION:

A. The Nebraska Energy Office, the Department of Administrative Services, and other appropriate state agencies assess the feasibility of permitting and encouraging private sector third party financing of energy conservation projects in state buildings.

B. That these agencies submit their findings to the Legislature's Appropriations Committee by no later than May 1, 1983.

Laid over.

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 444	Monday, February 28, 1983	1:30 p.m.
LB 586	Monday, February 28, 1983	1:30 p.m.
LB 597	Monday, February 28, 1983	1:30 p.m.
LB 14	Tuesday, March 1, 1983	1:30 p.m.
LB 372	Tuesday, March 1, 1983	1:30 p.m.
LB 560	Tuesday, March 1, 1983	1:30 p.m.
LB 570	Tuesday, March 1, 1983	1:30 p.m.
LB 224	Monday, March 7, 1983	1:30 p.m.
LB 228	Monday, March 7, 1983	1:30 p.m.
LB 345	Monday, March 7, 1983	1:30 p.m.
LB 17	Tuesday, March 8, 1983	1:30 p.m.
LB 147	Tuesday, March 8, 1983	1:30 p.m.
LB 491	Tuesday, March 8, 1983	1:30 p.m.

(Signed) Calvin F. Carsten, Chairperson

ANNOUNCEMENT

Mr. Carsten announced the Revenue Committee will have Executive Sessions on Wednesday, March 2, 1983 and Wednesday, March 9, 1983 at 1:30 p.m.

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 150 in the Journal. No objections. So ordered.

1. On page 2, strike the new language.
2. On page 6, line 26, after the first "body" insert "of the municipality or county"; on line 27, after "of" insert "county or".
3. On page 8, line 23, strike the first "board" and insert "body of the municipality or county", and strike the second "board" and insert "body"; on line 25 after "the" insert "county or".

UNANIMOUS CONSENT - Members Excused

Messrs. Pappas and R. Peterson asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 241. Title read. Considered.

Mr. DeCamp asked unanimous consent to withdraw the Standing Committee amendments, AM0261, found in the Journal on page 485 for the 25th Day.

Mr. Schmit objected.

Mr. DeCamp moved to suspend the rules and take up LB 241.

Mr. DeCamp asked unanimous consent to withdraw his motion to suspend the rules. No objections. So ordered.

LEGISLATIVE BILL 53. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 417. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 2 nays, 11 present and not voting, and 10 excused and not voting.

Mrs. Morehead and Mr. Wiitala asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 522. 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 542. Title read. Considered.

Standing Committee amendments, AM0017, found in the Journal on page 397 for the Twentieth 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, 13 present and not voting, and 11 excused and not voting.

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 302. Placed on General File as amended.
Standing Committee amendments to LB 302:
AM0318

1. Strike original sections 14 and 18.

2. On page 2, lines 25 to 27, strike the new matter.

3. On page 3, lines 1 and 2, strike the new matter; and in line 5 after "60-342" insert "and shall provide the following information with regard to the vehicle being registered: the type of fuel used to propel the vehicle, whether electricity, motor vehicle fuel as defined in section 66-401, or special fuel as defined in section 66-602, and if special fuel, the type of fuel. The Department of Motor Vehicles shall prescribe a form for supplying such information for vehicles to be registered on or after January 1, 1984. The county assessor shall include such form in each mailing made pursuant to section 77-1240".

4. On page 7, strike beginning with "not" in line 16 through "vehicles" in line 17 and insert "defined in subdivisions (6) and (25) of section 60-301".

5. Insert the following new section:

"Sec. 8. That section 66-619, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-619. The tax imposed by section 66-605 shall be computed by each special fuel dealer ~~or special fuel user~~ by multiplying the tax rate per gallon, as provided by section 66-605, by the number of gallons of special fuel delivered or placed by him or her into the supply tank or tanks of a motor vehicle.".

6. On page 9, line 12, after the period insert "If any person who is not a special fuel dealer or a special fuel user fueling their own vehicle, fuels a vehicle with special fuel, the motor tax administrator shall on the basis of information available to him or her determine the tax that would have been due on such transaction and assess the tax against such person."; in line 14 strike "an" and insert "a"; and in line 15, strike "administrative".

7. On page 10, line 6, strike "9 to 18" and insert "10 to 17".

8. On page 11, line 5, strike "9 to 18" and insert "10 to 17"; in line 8 strike "12" and insert "13"; and in line 16 strike "9" and insert "10".

9. On page 12, strike beginning with "required" in line 2 through "follows" in line 4 and

insert "of the vehicle based on the following schedule"; in line 5 after "Weight" insert "Class"; in line 6 before "Less" insert "Class A"; in line 7 before "2,500" insert "Class B"; in line 8 before "3,501" insert "Class C"; in line 9 before "4,501" insert "Class D"; in line 10 before "Over" insert "Class E"; after line 12, insert "The Tax Commissioner when preparing the schedule of values pursuant to section 77-1239 shall for several types of motor vehicles place each in the appropriate weight class for purposes of this section. In so doing the Tax Commissioner may rely upon the manufacturer's shipping weight less fuel, oil, and water, of motor vehicles unless the Tax Commissioner shall determine that the actual unloaded weight of the motor vehicle less fuel, oil, and water is different than that stated as the manufacturer's shipping weight."; and in line 14 strike "9" and insert "10".

10. On page 13, line 18, after "user" insert "knowingly"; in line 19 strike ", neglects, or refuses"; in line 23 strike "an" and insert "a"; and in line 24 strike "administrative".

11. On page 14, line 21, strike "12" and insert "13".

12. On page 15, line 7, strike "Sections 9 to 17 of this" and insert "This"; in line 8 after "1984"; insert ", except that the provisions of sections 10 to 17 shall not be effective as to any special fuel user until such special fuel user registers a motor vehicle propelled by special fuels or electricity after January 1, 1984"; and strike beginning with "The" in line 8 through the period in line 9.

13. Renumber remaining sections accordingly.

(Signed) Calvin F. Carsten, Chairperson

MESSAGES FROM THE GOVERNOR

February 17, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 60, 66, 143, 144, 177, 182, 197 were received in my office on February 14, 1983.

These bills were signed by me on February 17, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

NOTICE OF COMMITTEE HEARING
Appropriations

LB 607	Friday, February 25, 1983	1:30 p.m.
LB 602	Friday, February 25, 1983	1:30 p.m.

(Signed) Lowell Johnson, Vice Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 25
February 16, 1983

Dear Senator Newell:

In your letter of February 3, 1983, you ask whether Neb.Rev.Stat. §23-151 (1982 Supp.) mandates, in counties having a population in excess of 300,000 inhabitants, the nomination of county commissioners by district and their election at large or whether it mandates both their nomination and election at large.

We understand the purpose of your making this inquiry is that you have introduced Legislative Bill 493 which would require the nomination of such commissioners by district and their election at large and the basis of your question is whether or not such legislation is needed or whether that currently is the state of the law as set forth in Neb.Rev.Stat. §23-151 (1982 Supp.).

There are three references to this situation within this overall section, two of which would appear to clearly require nomination by district and election at large and a third which is somewhat ambiguous.

The ambiguous language is as follows: "In counties having more than 300,000 inhabitants, and in counties where a majority have voted for five commissioners, (1) counties which elect members of the board on an at large basis shall continue to appoint and elect additional members at large, . . ." If the word "appoint" is synonymous with the word "nominate" then this exception, which would apply as we understand it to Douglas County, would require the nomination and appointment of such commissioners at large which would be inconsistent with the remainder of the statutory language contained in this section.

To summarize if the word "appoint" as set forth above is

construed to mean "nominate" then this sentence is inconsistent with the remainder of the body of Neb.Rev.Stat. §23-151 (1982 Supp.). On the other hand if the word "appoint" is construed to mean to fill a vacancy, then these sections would be consistent.

The word "appoint" as defined by Black's Law Dictionary is to "designate, ordain, prescribe, nominate". Additionally from Volume 6 of Corpus Juris Secundum, the word "appoint" is defined as meaning "allot, set apart, or designate; to choose or select; to nominate or authoritatively assign."

It would therefore appear to us that at best, the language of this section is ambiguous and at worst, inconsistent. We would be therefore of the opinion that if it is your desire to clarify the legislative direction to counties having in excess of 300,000 in population as to how their county commissioners are to be nominated and elected, it would be helpful to enact clarifying legislation at this time.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:pjs
cc: Patrick J. O'Donnell
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 75. Title read. Considered.

Standing Committee amendment, AM0159, found in the Journal on page 406 for the Twentieth 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 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 72. Title read. Considered.

Standing Committee amendment, AM0139, found in the Journal on page 410 for the Twenty-First 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 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 98. Title read. Considered.

Mr. Chronister asked unanimous consent to be excused. No objections. So ordered.

Standing Committee amendment, AM0165, found in the Journal on page 410 for the Twenty-First Day was adopted with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Messrs. Lundy and Eret asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 155 in the Journal. No objections. So ordered.

AM0372

1. Strike original section 5 and insert a new section as follows:

"Sec. 5. The Director of Motor Vehicles shall adopt standards for an informal dispute settlement procedure which substantially complies with the provisions of Title 16, Code of Federal Regulations, Part 703.

If a manufacturer has established or participates in a dispute settlement procedure certified by the Director of Motor Vehicles within the guidelines of such standards, the provisions of section 3 of this act concerning refunds or replacement shall not apply to any consumer who has not first resorted to such a procedure.".

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 270. Placed on General File as amended.
Standing Committee amendments to LB 270:
AM0088

1. On page 2, after line 15 insert:

"The filing of the notice of appeal shall confer jurisdiction on the district court."; in line 18 after the period insert "If no petition is filed, the court shall direct the condemnee to file a petition and impose such sanctions as are reasonable."; and in line

25 after the period insert:

"This section shall apply to all cases arising after May 4, 1973, which have not reached final adjudication on the effective date of this act and to all cases arising after the effective date of this act.".

2. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 272. Placed on General File as amended.
Standing Committee amendments to LB 272:
AM0362

1. On page 2, strike lines 10 through 21 and insert the following:

"(a) Upon the stipulation of the parties to an action, hear and determine any matter, including the trial of an equity case or case at law in which a jury has been waived;

(b) Hear and determine pretrial and posttrial matters in civil cases not involving testimony of witnesses by oral examination;

(c) With the consent of the defendant, receive pleas of guilty and pass sentences in criminal cases;

(d) With the consent of the defendant, hear and determine pretrial and posttrial matters in criminal cases;

(e) Hear and determine cases brought by petition in error or appeal not involving testimony of witnesses by oral examination;".

2. On page 3, line 16, strike the first "such" and insert "any civil" and strike "or making of such order"; in line 17 strike "or orders"; strike beginning with "a" in line 20 through "order" in line 21 and insert "a postcard or notice"; and in line 24 after the first "of" insert "such" and strike "or making of the order".

3. On page 5, after line 18 insert the following:

"(5) Nothing in this section shall be construed to exempt proceedings under this section from the provisions of the Guidelines for Use by Nebraska Courts in Determining When and Under What Conditions a Hearing Before Such Court May Be Closed in Whole or in Part to the Public, adopted by the Supreme Court of the State of Nebraska September 8, 1980, and any amendments to those provisions.".

LEGISLATIVE BILL 492. Placed on General File as amended.
Standing Committee amendment to LB 492:
AM0363
1. On page 7, line 21, strike "one dollar",
show as stricken, and insert "five dollars".

LEGISLATIVE BILL 500. Placed on General File as amended.
Standing Committee amendment to LB 500:
AM0364
1. On page 4, line 5, strike "five" and
insert "two".

LEGISLATIVE BILL 594. Placed on General File as amended.
Standing Committee amendment to LB 594:
AM0337
1. On page 2, lines 18 and 19, strike the new
matter.

LEGISLATIVE BILL 428. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 62. Placed on Select File.
LEGISLATIVE BILL 62A. Placed on Select File.

LEGISLATIVE BILL 44. Placed on Select File as amended.
E & R amendment to LB 44:
AM5026
1. On page 1, line 2, after "sections" insert
"15-267, 15-755 to 15-759, 50-501 to 50-520, 71-507 to
71-515,"; and in line 4, after the semicolon insert "to
repeal provisions relating to street sprinkling and
off-street parking; to repeal the Nebraska Legislative
Emergency Succession and Procedures Act; to remove
certain bidding requirements;".
2. In lieu of the Wesely amendments, AM0013
and AM0014, on page 2, line 1, before "79-4,161" insert
"50-501 to 50-520, 71-507 to 71-515,".

LEGISLATIVE BILL 126. Placed on Select File as amended.
E & R amendment to LB 126:
AM5027
1. On page 3, line 6, strike the second "and".

LEGISLATIVE BILL 249. Placed on Select File as amended.
E & R amendments to LB 249:
AM5028

1. On page 2, line 20, strike "subsection",
show as stricken, and insert "subdivision".
2. On page 3, line 9, strike the semicolon,
show as stricken, and insert an underscored period; and
in line 20, strike "subsection" and insert
"subdivision".

(Signed) Rod Johnson, Chairperson

VISITORS

Visitors to the Chamber were 24 fourth grade students and teacher from St John's Lutheran School, Seward; Loreece Jochem from Ainsworth; Jodie Farr from Omaha; Mrs. Kathy Ray from Tekamah; 78 students and teacher from Northeast Community College, Norfolk; James E. Larsen from Glenview, Illinois; and former Senator Merz.

ADJOURNMENT

At 11:59 a.m., on a motion by Mr. Landis, the Legislature adjourned until 9:00 a.m., Tuesday, February 22, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTIETH DAY - FEBRUARY 22, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 22, 1983

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Terry Maasen, Hope Reformed Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh, Messrs. Cullan, and R. Johnson who were excused; and Messrs. Chambers, Doyle, Fowler, Schmit, Warner, Miss Kilgarin, Mesdames Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Ninth Day was approved.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 26
February 16, 1983

Dear Senator Lamb:

This is in response to your letter of February 4, 1983, in which you request our opinion regarding whether there is a conflict between Article V, Section 21, of the Nebraska Constitution, and language in LB 422 which would allow the Supreme Court to provide for the appointment of an additional judge in a judicial district other than that in which a judicial vacancy has occurred.

LB 422 provides, insofar as relevant here, that: "Whenever a vacancy occurs in one district, the Supreme Court may provide for the appointment of an additional judge in another district in lieu of filling the vacancy."

We believe that such provision would violate Article V, Section 21 of the Nebraska Constitution because the provision attempts to confer authority on the Supreme Court which belongs primarily to the Governor, and secondarily to the Chief Justice, by declaration of the people in the Nebraska Constitution.

Specifically, Article V, Section 21 of the Nebraska Constitution provides that:

> (1) In the case of any vacancy in the Supreme Court or in any district court or in such other court or courts made subject to this provision by law, such vacancy shall be filled by the Governor from a list of at least two nominees presented to him by the appropriate judicial nominating commission. If the Governor shall fail to make an appointment from the list within sixty days from the date it is presented to him, the appointment shall be made by the Chief Justice or the acting Chief Justice of the Supreme Court from the same list.

When the words of the Constitution are plain, direct and unambiguous, no interpretation is needed to ascertain their meaning, and a mere reading will suffice. State ex rel. Caldwell v. Peterson, 153 Neb. 402, 45 N.W.2d 122 (1951).

The language of Article V, Section 21, is clear: The Governor or, if the Governor fails to act, the Chief Justice, shall make the appointment in the event of a judicial vacancy. To the extent that the language in LB 422 would conflict with the language in Article V, Section 21, of the Nebraska Constitution, the Article would control and the language of the act would be invalid. Consumers Coal Company v. City of Lincoln, 109 Neb. 51, 65, 189 N.W. 643 (1922); School District No. 54 v. School District of Omaha, 171 Neb. 769, 107 N.W.2d 744 (1961).

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Frank Hutfless
Assistant Attorney General

FJH:pjs
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 27
February 15, 1983

Dear Senator DeCamp:

This is in response to your letter of January 29, 1983, in which you ask whether the last paragraph of Initiative 300 (Article XII, Nebraska Constitution) would allow the Legislature to sell school land under "favorable conditions."

The paragraph in question provides that "The Nebraska

Legislature may enact, by general law, further restrictions prohibiting certain agricultural operations that the Legislature deems contrary to the intent of this section."

Where the words of a constitutional provision are plain, direct and unambiguous, no interpretation is needed to ascertain their meaning, and a mere reading will suffice. State ex rel. Caldwell v. Peterson, 153 Neb. 402, 45 N.W.2d 122 (1951).

We believe that the language of the paragraph in question is clear. The terms "this section" as contained in said paragraph refer to Section 8 of Article XII.

Section 8 imposes certain restrictions on specified corporation and syndicate activities with regard to acquisition of agricultural interests in Nebraska real property by those business entities. The section does not impose restrictions on the Nebraska State Board of Educational Lands and Funds in the administration of the state's school lands, nor should it be reasonably construed to authorize the sale of school land in contravention of Nebraska constitutional provisions pertaining to the management and control of Nebraska school lands. Such management, including the responsibility for deciding whether or not school lands should be sold, is vested in the Nebraska State Board of Educational Lands and Funds. Article VII, Section 6, Nebraska State Constitution; State ex rel. Ebke v. Board of Educational Lands and Funds, 159 Neb. 79, 65 N.W.2d 392 (1954); State ex rel. Belker v. Board of Educational Lands and Funds, 184 Neb. 621, 171 N.W.2d 156 (1969); Probst v. Board of Educational Lands and Funds, 156 Neb. 226, 55 N.W.2d 653 (1952).

To the extent that the paragraph in question here might be regarded as conflicting with Article VII, Section 6 of the Nebraska Constitution, Article VII would properly be regarded as controlling because of its specific application to school lands, and because specific provisions of the Constitution should be given effect in case of conflict with general provisions of the Constitution. Elmen v. State Board of Equalization and Assessment, 120 Neb. 141, 231 N.W. 772 (1930); Swanson v. State, 132 Neb. 82, 271 N.W. 264 (1937).

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Frank J. Hutfless
Assistant Attorney General

FJH:jmh
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 28
February 16, 1983

Dear Senator Kilgarin:

This is in reply to your inquiry concerning LB 13.

You have inquired about the effect of an amendment to section 61 of that bill which, with the amended portion underlined, would read as follows:

> Any separate juvenile court probation position or related position exclusively associated with probation services and existing within a separate juvenile court juvenile court ~~existing~~ on or before January 1, 1983, shall, after July 1, 1984, be deemed a part of the Field Probation Service. The positions shall exist under the office of Probation Administration, and juvenile probation officers and employees in such related positions shall serve under the same conditions as other comparable service personnel.

You inquire if this would have the desired effect of preventing the transfer of personnel working for a separate juvenile court or in administrative support functions for a separate juvenile court when such functions are completely unrelated to probation services or probation support services.

The effect of the bill would depend upon the meaning of the words "exclusively associated" in your amendment. Webster's New World Dictionary, College Edition, defines "exclusive" as "excluding all others; shutting out other considerations, happenings, existences, occupations, etc." It defines "exclusively" as "with all others excluded; only."

It defines "associate" in part as "to connect; combine; join...anything joined with another thing or things."

With these definitions in mind, we would have to say that only probation positions and related positions concerned only with probation services to the exclusion on any services not related to probation would be transferred, provided they are within a separate juvenile court on the date in question.

If the "related position" associated with probation services also contains work in other areas not connected with probation services, even though a very small portion of the time, it would not be transferred because it would not be "exclusively" associated with probation services. Thus, administrative support functions for the separate juvenile court would not have to be "completely unrelated" to probation services (as stated in your letter) to avoid transfer, but merely a small portion of such administrative support functions would have to be unrelated to probation services.

If we can be of further assistance to you, please contact us.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 421. Placed on Select File.

LEGISLATIVE BILL 107. Placed on Select File as amended.
E & R amendment to LB 107:
AM5029
1. On page 1, line 4, after "prescribed";
insert "; and to repeal the original section".

LEGISLATIVE BILL 110. Placed on Select File.
LEGISLATIVE BILL 439. Placed on Select File.
LEGISLATIVE BILL 145. Placed on Select File.
LEGISLATIVE BILL 383. Placed on Select File.
LEGISLATIVE BILL 238. Placed on Select File.
LEGISLATIVE BILL 298. Placed on Select File.
LEGISLATIVE BILL 301. Placed on Select File.

LEGISLATIVE BILL 382. Placed on Select File as amended.
E & R amendment to LB 382:
AM5030
1. On page 1, strike beginning with "coverage";
in line 3 through "section" in line 4 and insert "the
period for obtaining certain coverage".

LEGISLATIVE BILL 208. Placed on Select File.
LEGISLATIVE BILL 70. Placed on Select File.
LEGISLATIVE BILL 53. Placed on Select File.
LEGISLATIVE BILL 417. Placed on Select File.
LEGISLATIVE BILL 522. Placed on Select File.

LEGISLATIVE BILL 542. Placed on Select File as amended.
E & R amendments to LB 542:
AM5031
1. On page 1, line 1, strike "71-3709" and
insert "71-3708, 71-3709,"; in line 3 after the
semicolon insert "to change provisions relating to
renewal fees;".
2. On page 4, line 20, strike "Registrants who
have" and insert "Any registrant who has".
3. In the Standing Committee amendments, page
3, line 14, strike "71-3708 to" and insert "71-3708,
71-3709, and".

LEGISLATIVE BILL 75. Placed on Select File.

LEGISLATIVE BILL 72. Placed on Select File as amended.
E & R amendment to LB 72:
AM5033
1. On page 1, line 6, strike "combinations of".

LEGISLATIVE BILL 98. Placed on Select File.

Correctly Re-Engrossed

The following bills were correctly reengrossed: 29 and 71.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 71 (Final Reading Copy)

ER0010
The following changes, required to be reported for publication in the Journal, have been made:
1. In the Newell, Landis amendment, line 1, "require" is stricken and "required" is inserted; and in line 5 after "blocks" an underscored comma has been inserted.

(Signed) Tristi J. Wilson
E & R Attorney

MESSAGE FROM THE GOVERNOR

February 18, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 22, 39, 52, 116, 162, 163, 274 and 58 were received in my office on February 16, 1983.
These bills were signed by me on February 18, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

REPORT

Received maps of State Highway System of Nebraska as of January 1, 1983 from Department of Roads in accordance with Section 39-1311.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 11. With Emergency.

A BILL FOR AN ACT to amend sections 70-631 and 70-633, Reissue Revised Statutes of Nebraska, 1943, relating to the indebtedness of public power and irrigation districts; to change the ability of a public power or irrigation district to secure notes; 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:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	DeCamp	Eret	Fenger	Goll
Goodrich	Haberman	Hannibal	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, V.	Kahle
Lamb	Landis	Lundy	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Remmers
Rupp	Sieck	Vickers	Von Minden	Wagner
Wesely	Wiitala			

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 11:

Chambers	Cullan	Doyle	Fowler	Johnson, R.
Kilgarin	Labedz	Marsh	Pirsch	Schmit
Warner				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 23.

A BILL FOR AN ACT to amend sections 46-603, 46-661, and 46-662, Reissue Revised Statutes of Nebraska, 1943, and sections 46-602, 46-659, 46-660, and 46-666, Revised Statutes Supplement, 1982, relating to ground water; to change provisions relating to the issuance of and fees for certain well permits; to provide duties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	DeCamp	Doyle	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, V.
Kahle	Lamb	Landis	Lundy	Morehead
Newell	Nichol	Pappas	Peterson, R.	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Wiitala	

Voting in the negative, 0.

Present and not voting, 2:

Beutler Peterson, H.

Excused and not voting, 8:

Chambers	Cullan	Fowler	Johnson, R.	Kilgarin
Labedz	Marsh	Pirsch		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 88.

A BILL FOR AN ACT to amend section 39-664, Reissue Revised Statutes of Nebraska, 1943, relating to speed detecting devices; to provide duties for the state; to establish the necessary proofs when using a speed detecting device; and to repeal the original section.

Whereupon the 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Doyle	Eret	Fenger
Haberman	Hannibal	Higgins	Hoagland	Jacobson
Johnson, V.	Kahle	Lamb	Landis	Morehead
Newell	Nichol	Pappas	Remmers	Rupp
Schmit	Sieck	Vickers	Wagner	Warner
Wesely	Wiitala			

Voting in the negative, 7:

Goodrich	Hefner	Johnson, L.	Lundy	Peterson, H.
Peterson, R.	Von Minden			

Present and not voting, 2:

DeCamp Goll

Excused and not voting, 8:

Chambers	Cullan	Fowler	Johnson, R.	Kilgarin
Labedz	Marsh	Pirsch		

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 amend sections 77-2708, 77-27,127, and 77-27,128, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to change the time period for allowing or disallowing a claim; to modify the method of appeal; to repeal the original sections; and also to repeal section 77-27,126, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Doyle	Eret
Fenger	Goll	Goodrich	Hannibal	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, V.
Kahle	Kilgarin	Lamb	Landis	Lundy
Morehead	Newell	Nichol	Pappas	Peterson, H.

Peterson, R.	Remmers	Rupp	Schmit	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala				

Voting in the negative, 0.

Present and not voting, 1:

Haberman

Excused and not voting, 7:

Chambers	Cullan	Fowler	Johnson, R.	Labedz
Marsh	Pirsch			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 138.

A BILL FOR AN ACT relating to dissolution of marriage; to provide powers and duties of the court; and to repeal section 42-364, Revised Statutes Supplement, 1982.

Whereupon the 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Doyle	Fenger
Fowler	Goll	Goodrich	Haberman	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, V.	Kahle	Kilgarin	Lamb	Landis
Lundy	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Remmers	Rupp	Schmit
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala			

Voting in the negative, 0.

Present and not voting, 1:

Eret

Excused and not voting, 6:

Chambers	Cullan	Johnson, R.	Labedz	Marsh
Pirsch				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 139. With Emergency.

A BILL FOR AN ACT to repeal section 39-669.19, Reissue Revised Statutes of Nebraska, 1943; to eliminate a provision relating to operation of a motor vehicle with a revoked operator's license; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Doyle	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, V.	Kahle	Kilgarin	Lamb
Landis	Lundy	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Remmers	Rupp
Schmit	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Wiitala		

Voting in the negative, 0.

Excused and not voting, 6:

Chambers	Cullan	Johnson, R.	Labedz	Marsh
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.

LEGISLATIVE BILL 245.

A BILL FOR AN ACT to amend sections 77-421 and 77-423, Reissue Revised Statutes of Nebraska, 1943, relating to county assessors; to provide requirements for assessors; to change provisions relating to examinations; 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Doyle	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Morehead	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Wiitala	

Voting in the negative, 1:

Newell

Excused and not voting, 4:

Chambers Cullan Johnson, R. Marsh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

NOTICE OF COMMITTEE HEARING
Agriculture and Environment

Governor's Appointment, Thursday, March 3, 1983 1:30 p.m.
Robert Raun, Director of the Department of Agriculture

(Signed) Rex Haberman, Chairperson

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 158. Placed on General File.

LEGISLATIVE BILL 18. Placed on General File as amended.
Standing Committee amendments to LB 18:
AM0387
1. On page 2, line 3, underscore "(1)".
2. On page 3, strike beginning with "be" in line 4 through "not" in line 6; and strike beginning with the second "the" in line 17 through "and" in line 18.

3. On page 5, line 26, strike the new matter and reinstate the stricken matter.

LEGISLATIVE BILL 376. Indefinitely postponed.

(Signed) Bill Barrett, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 10.

A BILL FOR AN ACT relating to highways and roads; to amend sections 23-2410, 23-2411, 39-2124, and 39-2125, Reissue Revised Statutes of Nebraska, 1943, and sections 39-2103, 39-2105, 39-2109, and 39-2113, Revised Statutes Supplement, 1982; to define minimum maintenance roads and detail their applicability to the Political Subdivisions Tort Claims Act; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Doyle	Eret
Fenger	Fowler	Goll	Haberman	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, V.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Wiitala	

Voting in the negative, 0.

Present and not voting, 1:

Goodrich

Excused and not voting, 4:

Chambers	Cullan	Johnson, R.	Marsh

A constitutional majority having voted in the affirmative, the

bill was declared passed and the title agreed to.

LEGISLATIVE BILL 15.

A BILL FOR AN ACT to amend section 70-619, Revised Statutes Supplement, 1982, relating to public power; to change provisions relating to eligibility for membership on the public power district's board of directors; and to repeal the original section.

Whereupon the 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:

Beyer	Chronister	DeCamp	Doyle	Eret
Fenger	Fowler	Goll	Hannibal	Higgins
Hoagland	Johnson, V.	Kilgarin	Labedz	Landis
Morehead	Newell	Nichol	Pappas	Rupp
Schmit	Sieck	Vickers	Wagner	Warner
Wesely	Wiitala			

Voting in the negative, 16:

Abboud	Barrett	Carsten	Clark	Goodrich
Haberman	Hefner	Jacobson	Johnson, L.	Kahle
Lamb	Peterson, H.	Peterson, R.	Pirsch	Remmers
Von Minden				

Present and not voting, 2:

Beutler	Lundy

Excused and not voting, 4:

Chambers	Cullan	Johnson, R.	Marsh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 36. Mr. Wagner requested to pass over.

LEGISLATIVE BILL 37. Mr. Wagner requested to pass over.

LEGISLATIVE BILL 111.

A BILL FOR AN ACT relating to consumer credit; to define terms; to provide consumer credit default procedures as prescribed; and to provide for applicability.

Whereupon the 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	Beyer	DeCamp	Doyle	Eret
Fenger	Fowler	Goodrich	Hannibal	Higgins
Hoagland	Johnson, L.	Johnson, V.	Kilgarin	Labedz
Landis	Morehead	Newell	Remmers	Rupp
Sieck	Vickers	Wagner	Warner	Wesely
Wiitala				

Voting in the negative, 19:

Abboud	Barrett	Carsten	Chronister	Clark
Goll	Haberman	Hefner	Jacobson	Kahle
Lamb	Lundy	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Schmit	Von Minden	

Excused and not voting, 4:

Chambers	Cullan	Johnson, R.	Marsh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Member Excused

Mr. Wagner asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 191 to Select File

Mr. Beutler moved to return LB 191 to Select File for the following specific amendment:

(Amendment to Final Reading Copy)

1. On page 3, line 12, after "weeks "insert "in a newspaper of general circulation in the district designated by the district."

The motion to return prevailed with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 191. The Beutler specific amendment found in this day's Journal was adopted with 38 ayes, 0 nays, 6 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 262. With Emergency.

A BILL FOR AN ACT to amend section 21-608, Revised Statutes Supplement, 1982, relating to corporations; to declare the American Province of the Order of Servants of Mary to be a corporation; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Doyle	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Hoagland	Jacobson	Johnson, L.
Johnson, V.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Sieck
Vickers	Von Minden	Warner	Wesely	Wiitala

Voting in the negative, 0.

Present and not voting, 4:

Higgins	Morehead	Rupp	Schmit

Excused and not voting, 5:

Chambers	Cullan	Johnson, R.	Marsh	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.

MOTION - Return LB 50 to Select File

Mrs. Labedz and Mr. DeCamp moved to return LB 50 to Select File for the following specific amendment:
AM0348

(Amendments to Final Reading Copy)

1. Strike section 2 and renumber remaining sections accordingly.

The motion to return prevailed with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 50. The Labedz-DeCamp specific amendment found in this day's Journal was adopted with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 50 to Select File

Messrs. Von Minden and Hoagland moved to return LB 50 to Select File for the specific amendment, AM0327, found in the Journal on page 539.

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

SPEAKER NICHOL PRESIDING

Mr. Hoagland requested a roll call vote on the motion to return.

Voting in the affirmative, 20:

Barrett	Beutler	Doyle	Hannibal	Hoagland
Johnson, V.	Kahle	Lamb	Landis	Lundy
Morehead	Newell	Peterson, R.	Rupp	Sieck
Vickers	Von Minden	Warner	Wesely	Wiitala

Voting in the negative, 25:

Abboud	Beyer	Carsten	Chronister	Clark
DeCamp	Eret	Fenger	Fowler	Goll

Goodrich	Haberman	Hefner	Higgins	Jacobson
Johnson, L.	Kilgarin	Labedz	Nichol	Pappas
Peterson, H.	Pirsch	Remmers	Schmit	Wagner

Excused and not voting, 4:

Chambers	Cullan	Johnson, R.	Marsh

The Von Minden-Hoagland motion to return lost with 20 ayes, 25 nays, and 4 excused and not voting.

Mr. Newell moved to return LB 50 to Select File for the following specific amendment:
AM0391

(Amendments to Final Reading Copy)

1. Insert the following new section:
"Sec. 2. On or after July 1, 1983, all pneumatic tires with metal or metal-type studs for sale in the state shall not have metal or metal-type studs which exceed one-quarter of an inch in diameter inclusive of the stud-casing with an average protrusion beyond the tread surface of not more than seven sixty-fourths of an inch and after such date only radial tires shall be allowed to be sold with such metal or metal-type studs.".
2. Renumber remaining sections accordingly.

Mr. Chronister 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. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

The Newell motion to return lost with 17 ayes, 23 nays, 4 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 430. Placed on General File.
LEGISLATIVE BILL 568. Placed on General File.

LEGISLATIVE BILL 333. Placed on General File as amended.
Standing Committee amendment to LB 333:
AM0376

1. On page 2, line 1, strike "Class V"; in line 4, strike "five" and insert "four"; in line 5 after

the second comma insert "and"; and strike beginning with the third comma in line 5 through "services" in line 6.

LEGISLATIVE BILL 556. Indefinitely postponed.
LEGISLATIVE BILL 584. Indefinitely postponed.

(Signed) Tom Vickers, Chairperson

Public Works

LEGISLATIVE BILL 375. Placed on General File.

LEGISLATIVE BILL 119. Placed on General File as amended.
Standing Committee amendment to LB 119:
AM0236

1. On page 2, line 10, strike "property" and insert "such real estate"; in line 11 strike "for" and insert "solely for the purpose of"; and in line 15 after the period insert "Real estate acquired by the Department of Roads pursuant to this section which is in excess of that needed, or is deemed no longer necessary, shall be disposed of as provided for in section 39-1325.".

LEGISLATIVE BILL 204. Placed on General File as amended.
Standing Committee amendments to LB 204:
AM0293

1. On page 4, line 11, strike "and" and insert "(12) Failure to yield to a pedestrian resulting in bodily injury to a pedestrian — 4 points; and"; and in line 12 strike "(12)" and insert "(13)".
2. On page 5, line 10, after the underscored period insert "The provisions of this section shall only apply to persons who have successfully completed such driver improvement course prior to committing any traffic offense for which a conviction and point assessment against their driving record would otherwise result in a total of twelve or more points assessed against their record. No person required to enroll in a driver improvement course pursuant to section 39-669.27 or 39-669.35 shall be eligible for a reduction in points assessed against his or her driving record upon the successful completion of such course.".

LEGISLATIVE BILL 397. Placed on General File as amended.
Standing Committee amendment to LB 397:
AM0259

1. On page 2, line 3, strike "sections" and

insert "section", after "60-305.09" insert "when such vehicles are a part of a Nebraska based fleet,", after "and" insert "section", after "60-331" insert "when such vehicles are licensed for twenty thousand pounds gross vehicle weight or more"; and in line 11 strike "promulgate rules and regulations which shall".

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 319 in the Journal. No objections. So ordered.

AM0378

1. Strike the original sections and insert the following new sections:

"Section 1. The Legislature recognizes the importance of labor organizations and labor unions in contracting with employers with respect to working conditions, wages, benefits, and the duration and content of labor agreements. The Legislature also recognizes the importance of having employees be fairly and adequately represented by any labor organization or labor union of which they are a member. The Legislature also recognizes that changes in the national, state, and local economy may affect the desire of members of a labor organization to propose changes to contract provisions they have entered into with their employer.

Sec. 2. Upon the filing of a petition signed by one hundred members or twenty per cent of the membership of a local labor organization or labor union, whichever is less, which proposes a change in a labor contract the labor organization or labor union shall within twenty days have an election by the membership of the local labor organization or labor union to either modify or reaffirm the contract provision. The petition shall be filed with the chief executive officer of the local labor organization or local union.".

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 423	Monday, March 14, 1983	1:30 p.m.
LB 494	Monday, March 14, 1983	1:30 p.m.
LB 530	Monday, March 14, 1983	1:30 p.m.
LB 317	Tuesday, March 15, 1983	1:30 p.m.

LB 322	Tuesday, March 15, 1983	1:30 p.m.
LB 353	Tuesday, March 15, 1983	1:30 p.m.
LB 452	Tuesday, March 15, 1983	1:30 p.m.
LB 604	Wednesday, March 16, 1983	1:30 p.m.

(Signed) Calvin F. Carsten, Chairperson

ANNOUNCEMENT

Mr. Carsten announced the Revenue Committee will meet in Executive Session, Wednesday, March 16, 1983 following the hearing.

GENERAL FILE

LEGISLATIVE BILL 33A. 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 439A. 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 414. Considered.

Mr. DeCamp asked unanimous consent to withdraw his pending motion to indefinitely postpone found in the Journal on page 547. No objections. So ordered.

Mr. DeCamp offered the following amendment:

Reinstate the following language in lines 6 thru 10 on page 2:

"except that 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."

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

The DeCamp amendment was adopted with 26 ayes, 10 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 31 ayes, 2 nays, 12 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

Governor Appointment
Donald N. Dworak March 1, 1983 1:30 p.m.
Director of Department of Economic Development

(Signed) John DeCamp, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 70A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative bill 70, Eighty-eighth Legislature, First Session, 1983.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 181. Placed on General File.
LEGISLATIVE BILL 535. Placed on General File.
LEGISLATIVE BILL 573. Placed on General File.

(Signed) Rex Haberman, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 11, 23, 88, 101, 138, 139, 245, 10, 15, 111, and 262.

SELECT FILE

LEGISLATIVE BILL 155. E & R amendments, AM5004, found in the Journal on page 392 for the Nineteenth Day were adopted.

Mr. Beutler asked unanimous consent to withdraw his pending amendment, AM0372, found in the Journal on page 579. No objections. So ordered.

Mr. Beutler offered the following amendment:
1. Strike original section 5 and insert a new section as follows:
"Sec. 5. The Director of Motor Vehicles shall adopt standards for an informal dispute settlement

procedure which substantially comply with the provisions of Title 16, Code of Federal Regulations, Part 703 in existance as of February 22, 1983.

If a manufacturer has established or participates in a dispute settlement procedure certified by the Director of Motor Vehicles within the guidelines of such standards, the provisions of section 3 of this act concerning refunds or replacement shall not apply to any consumer who has not first resorted to such a procedure.".

MR. CLARK PRESIDING

The Beutler amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. DeCamp offered the following amendment:
AM0298

1. On page 2, line 13 after "state" insert ", excluding self-propelled mobile homes as defined in section 60-301".

The DeCamp amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Mr. DeCamp offered the following amendment:
1. Insert a new section as follows:
"Sec. 7. In any action brought under this act the court shall award reasonable attorney's fees to the prevailing party if the prevailing party is the consumer.";
2. Renumber remaining sections accordingly.

Messrs. Pappas and R. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 7 nays, and 24 not voting.

Mr. Eret asked unanimous consent to be excused. No objections. So ordered.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The DeCamp amendment was adopted with 26 ayes, 2 nays, 15 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Messrs. Haberman, Wiitala, and Wagner asked unanimous consent to be excused. No objections. So ordered.

Mr. Hoagland offered the following amendment:
Add the language following "consumers" on line 22, page 3, "or the manufacturer's agent or authorized dealer".

The Hoagland amendment lost with 3 ayes, 23 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

Mr. Goll offered the following amendment:
On pg 3, line 8, strike the words "collateral charges".

The Goll amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Speaker Nichol and Mr. Beyer asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 363. Placed on General File.

LEGISLATIVE BILL 27. Placed on General File as amended.
Standing Committee amendment to LB 27:
AM0400

1. Insert the following new section:
"Sec. 2. Notwithstanding any other provision of section 77-2734, for the calendar year January 1 through December 31, 1983, the State Board of Equalization and Assessment shall set the tax imposed on corporations as defined in section 77-2734: (1) At a rate of twenty-three and sixty-eight hundredths per cent of the individual rate on the first fifty thousand dollars of taxable income and at thirty-three and sixteen hundredths per cent of the individual rate on taxable income in excess of fifty thousand dollars, if the board sets the rate on individuals at nineteen per cent; (2) at a rate of twenty-two and five hundredths per cent of the individual rate on the first fifty

thousand dollars of taxable income and at thirty-one and five hundredths per cent of the individual rate on taxable income in excess of fifty thousand dollars, if the board sets the rate on individuals at twenty per cent; and (3) at a rate of twenty-one and forty-three hundredths per cent of the individual rate on the first fifty thousand dollars of taxable income and at thirty per cent of the individual rate on taxable income in excess of fifty thousand dollars, if the board sets the rate on individuals at twenty-one per cent.".

2. Renumber original sections 2 and 3 as sections 3 and 4 respectively.

LEGISLATIVE BILL 395. Placed on General File as amended.
Standing Committee amendment to LB 395:
AM0399

1. On page 25, after line 15 insert:

"(1) Purchases by political subdivisions directly related to the generation of electricty or the treatment and sale of gas and water;"; in line 16 strike "(l)", show as stricken, and insert "(m)"; and in line 18, strike "(m)", show as stricken, and insert "(n)".

2. On page 26, line 7, strike "(n)", show as stricken, and insert "(o)"; in line 12 strike "(o)", show as stricken, and insert "(p)"; in line 15, strike "(p)", show as stricken, and insert "(q)"; in line 17 strike "(q)", show as stricken, and insert "(r)"; and in line 24 strike "(r)", show as stricken, and insert "(s)".

3. On page 27, line 2, strike "(s)", show as stricken, and insert "(t)"; in line 4 strike "(m)", show as stricken, and insert "(n)"; and in line 14 strike "(t)", show as stricken, and insert "(u)".

LEGISLATIVE BILL 546. Indefinitely postponed.
LEGISLATIVE BILL 600. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 22, 1983, at 11:43 a.m., were the following bills: 11, 23, 88, 101, 138, 139, 262, 111, 15, 10, and 245.

(Signed) Jan Loder, Enrolling Clerk

NOTICE OF COMMITTEE HEARING
Agriculture and Environment

LB 534 Thursday, March 3, 1983 (Cancelled) 1:30 p.m.

(Signed) Rex Haberman, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendments to LB 31 in the Journal. No objections. So ordered.

(1)

1. Add a new section 5 as follows:

"Sec. 5. (1) Candidates for any elective office in the state may subscribe to, by personally signing, the following agreement concerning campaign advertisements:

(a) We agree to submit a copy of all campaign advertisements to an independent panel at least forty-eight hours before they are placed in the mail, broadcast, or otherwise published. Each candidate shall pick one person for the panel, and an additional member will be agreed to by the other panelists. The panel will review the advertisements for any statements which are clearly false or misleading.

(b) Following its review of an advertisement, the panel may take no action or it may recommend changes to the candidate. If changes are suggested, the candidate affected may either accept the changes, amend the advertisement in some other way to be acceptable to the panel, or forego the advertisement. Should he or she elect, however, to proceed with an advertisement despite an adverse panel recommendation, the panel shall immediately make its recommendation public. All recommendations made and actions taken by the panel must be done by majority vote.

(c) Any expenses incurred by the panel or panelists will be borne equally by the candidates.

(2) Subscription to any such agreement shall be entirely voluntary and unregulated by any state agency, except that any such agreement shall be filed with the Accountability and Disclosure Commission and there available for public inspection."

2. Renumber section 5 as section 6.

(2)

1. Add a new section 5 as follows:

"Sec. 5. Candidates for any elective office in the state may subscribe to an agreement volunteering to abide by a pledge governing campaign practices. Candidates who so agree will personally sign the following statement: We pledge to conduct our campaign for public office openly and fairly. We will discuss the issues and participate in fair debate with respect to our views and qualifications. We will not engage in, or permit, defamatory attacks upon the character of our opponent, nor shall we engage in unwarranted invasions of personal privacy unrelated to campaign issues. We also will not use or permit the use of

any campaign material or advertisement which misrepresents, distorts, or otherwise falsifies the facts regarding any candidate. Finally, we will publicly repudiate support deriving from any individual or group whose activities would violate this Fair Campaign Pledge.

(2) Other agreements concerning specific conditions which may be included in the Fair Campaign Pledge include:

(a) We will clearly identify ourselves (or our campaign committees) as the sender of all our campaign mailings;

(b) During the last fourteen days preceding the election, we agree to provide to each other a copy of all campaign mailings at least forty-eight hours before they are placed in the mail;

(c) We will not use in our campaign advertisements any false statements concerning the results of any poll;

(d) We will not originate or allow questions to be asked in polls which misrepresent, distort, or otherwise falsify the facts regarding any candidate.

(3) Subscription to any such agreement shall be entirely voluntary and unregulated by any state agency, except that any such agreement shall be filed with the Accountability and Disclosure Commission and there available for public inspection."

2. Renumber section 5 as section 6.

(3)

1. Strike subsection (2) of section 2 and insert the following new subsection (2):

"(2) Any lobbyist who enters into any agreement, commitment, coalition, alliance, conspiracy, or consortium with any member of the Legislature, any other lobbyist, or both, to lobby on any bill, resolution, or amendment for which the lobbyist is not registered pursuant to section 49-1488, in exchange for an agreement or commitment by the other party to lobby on, stop lobbying on, support, or oppose any other bill, resolution, or amendment for which the lobbyist is already registered pursuant to section 49-1488, shall include all such bills, resolutions, or amendments for which the lobbyist is not registered in the statement required by section 49-1488, except that the statement shall be filed prior to the beginning of the next legislative day after the date the lobbyist enters into such an agreement, commitment, coalition, alliance, conspiracy, or consortium. On the next legislative day after such date, the Clerk of the Legislature shall insert into the Legislative Journal the name of the lobbyist and the bills, resolutions, or amendments listed in such statement."

2. Strike section 3 and insert the following new section:

"Sec. 3. That section 49-1488, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1488. ~~Within thirty days of the completion of each regular session of the Legislature~~ Prior to the beginning of the next legislative day after either (1) the date he or she lobbys on a bill, resolution, or amendment, or , if applicable, (2) the date he or she agrees to lobby on a

bill, resolution, or amendment as provided in section 2 of this act, each registered lobbyist shall submit to the Clerk of the Legislature a statement listing ~~the legislation~~ all such bills, resolutions, or amendments for which he or she has not previously registered pursuant to this section, ~~upon which such lobbyist acted and~~ including identification by number or other specific description of any bill, ~~or~~ resolution, or amendment, and the position taken by such lobbyist. Any lobbyist who is unable to timely file in person the statement required by this section may provide such statement to the Clerk of the Legislature by telephone, using as personal identification the number assigned to him or her on his or her certificate of registration."

Mrs. Labedz asked unanimous consent to print the following amendment to LB 150 in the Journal. No objections. So ordered.

AM0385

1. Strike original sections 1, 2, and 4 and insert the following new sections:

"Section 1. That section 31-728, Revised Statutes Supplement, 1982, be amended to read as follows:

31-728. Immediately after the petition and articles of association shall have been filed, as provided for by subsection (4) of section 31-727, the clerk of the district court for the county where the same are filed shall issue a summons, as now provided by law, returnable as any other summons in a civil action filed in said court, and directed to the several owners of real estate in the proposed district who may be alleged in such petition to be benefited thereby, but who have not signed the articles of association, which shall be served as summonses in civil cases. In case any owner or owners of real estate in the proposed district are unknown, or are nonresidents, they shall be notified in the same manner as nonresident defendants are now notified according to law in actions in the district courts of this state, setting forth in such notice (1) that the articles of association have been filed, (2) the purpose thereof, (3) that the real estate of such owner or owners situated in the district, describing the same, will be affected thereby and rendered liable to taxation and special assessment in accordance with law for the purpose of installing and maintaining such sewer or water system, or both, and maintaining the district, for constructing and maintaining a system of sidewalks, public roads, streets, and highways, public waterways, docks, or wharfs, and related appurtenances, for the furnishing of

water for fire protection, for contracting for gas and for electricity for street lighting for the public streets and highways within the district, for constructing or contracting for the construction of dikes and levees for flood protection for the district, for installing electric service lines and conduits, for the acquisition, improvement, and operation of public parks, playgrounds, and recreational facilities, and, where permitted by section 31-727, for the contracting with other sanitary and improvement districts for acquiring, building, improving, and operating public parks, playgrounds, and recreational facilities for the joint use of the residents of the contracting districts, (4) the names of the proposed trustees, and (5) that a petition has been made to have the district declared a sanitary and improvement district.

Within five days after the filing of the petition the clerk of the district court shall ~~send~~ mail notice of such petition to each county in which all or a portion of the proposed district lies and to each city in whose zoning jurisdiction all or a portion of the proposed district lies. Each such county, and each such city, if any, within whose zoning jurisdiction all or a portion of the proposed district lies shall have twenty days after the date of mailing such notice within which to file written objections to the formation of the proposed district. No decree shall be entered, either approving or disapproving of the formation of the proposed district, prior to the expiration of such twenty-day period.

Sec. 2. That section 31-761, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-761. (1) The sanitary and improvement district may be enlarged and additional territory annexed to the district by either of the following methods:

(a) By petitions signed by the owner or owners of all the property to be annexed to the district. If such a petition requesting annexation is presented to the trustees and approved by the trustees the change in the boundaries to include the additional area shall be certified within ten days thereafter by the clerk of the district to the county clerk in which the greater portion of the district is located and to each city within whose zoning jurisdiction the district is located and thereafter the district shall include the area thus annexed; or ~~.~~

(b) By a petition filed with the clerk of the district, signed by persons owning not less than fifty per cent of the area to be annexed, but not signed by persons owning all the area requested to be annexed. On the filing of such petition, the trustees of the district shall fix a time and place for a hearing thereon and give notice of said hearing by two weekly publications and by either registered or certified mail to the record owners of all persons owning land within the territory sought to be annexed, not less than ten days prior to the date of said hearing, if the address of said owners is known or can be ascertained by reasonable diligence by the trustees. At the said meeting, any person owning property within the area proposed to be annexed or any person owning property or residing within the district may appear and be heard. If, after said hearing, the board of trustees ~~find and determine~~ finds and determines that annexation of the additional area will be conducive to the public health, convenience, and welfare and will not be an undue burden on the district, the board of trustees may, by resolution, annex the additional area and fix the boundary thereof which shall not include more than the area requested in the petition. A copy of the said resolution shall be ~~filed with~~ certified within ten days thereafter by the clerk of the district to the county clerk of the county in which the greater portion of the district is located and to each city within whose zoning jurisdiction the district is located and thereafter the area included by said resolution shall be a part of the district.

(2) All property, from and after it is annexed to the district as above provided, shall be subject to all taxes and other burdens thereafter levied by the district, regardless of when the obligation for which said taxes or assessments are levied was incurred.

(3) No lands included within any municipal corporation shall be included in any sanitary and improvement district, and no tract of twenty acres or more which is outside any municipal corporation and is used primarily for industrial purposes shall be included in any sanitary and improvement district organized under sections 31-727 to 31-762 without the written consent of the owner of such tract.

Sec. 4. That original section 31-761, Reissue Revised Statutes of Nebraska, 1943, and sections 31-728 and 31-771, Revised Statutes Supplement, 1982, are

repealed.".

Mr. Doyle asked unanimous consent to print the following amendment to LB 135 in the Journal. No objections. So ordered.

1. On page 2, line 10 strike "or" and after "villages" insert ",or sanitary and improvement district.";

ANNOUNCEMENT

Mr. Barrett announced the Business and Labor Committee's public hearing on Wednesday, February 23 at 1:30 p.m. will be held in Room 1520 (M.P. Kinkaid Hearing Room) instead of Room 1019 (J.N. Norton Hearing Room).

SELECT FILE

LEGISLATIVE BILL 114. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 203. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 201. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 488. E & R amendment, AM5024, found in the Journal on page 510 for the Twenty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 291. E & R amendment, AM5025, found in the Journal on page 511 for the Twenty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 178A. Advanced to E & R for Engrossment.

VISITORS

Visitors to the Chamber were Wayne Warner from Harrisburg; Mrs. Grankemeyer and Mr. and Mrs. Larry Johnson from Burwell; members of the Communication Workers of America throughout Nebraska; Cy and Mike Shaughnessey from St. Paul; and seniors and instructors from Omaha Westside.

ADJOURNMENT

At 12:03 p.m., on a motion by Speaker Nichol, the Legislature adjourned until 9:00 a.m., Wednesday, February 23, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIRST DAY - FEBRUARY 23, 1983

LEGISLATIVE JOURNAL

THIRTY-FIRST DAY - FEBRUARY 23, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 23, 1983

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Rev. Carl Godwin, Bible Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Eret, Fowler, R. Johnson, Wesely, Mesdames Higgins, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirtieth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 33A. Placed on Select File.
LEGISLATIVE BILL 439A. Placed on Select File.

(Signed) Rod Johnson, Chairperson

NOTICE OF COMMITTEE HEARINGS
Urban Affairs

LB 513	Wednesday, March 2, 1983	1:30 p.m.
LB 429	Wednesday, March 2, 1983	1:30 p.m.
LB 386	Wednesday, March 2, 1983	1:30 p.m.

(Signed) Dave Newell, Chairperson

STANDING COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 310. Placed on General File.
LEGISLATIVE BILL 368. Placed on General File.

LEGISLATIVE BILL 125. Placed on General File as amended.
Standing Committee amendments to LB 125:
AM0220

1. On page 2, line 14, reinstate the stricken matter; and in line 15 strike "may".

2. On page 3, line 9, after the period insert "For purposes of this act, the mayor and city council shall have the discretion to approve the formation of the proposed district when the area to be improved has not previously been improved with a water system, sewer system, and grading of streets. If the mayor and city council should deny a requested improvement district formation, they shall state their grounds for such denial in a written letter to interested parties."; in lines 18, 20, 21, and 22 strike "may" and reinstate the stricken matter; and in line 26 after the period insert "For purposes of this act, the governing body shall have the discretion to approve the formation of the proposed district when the area has not previously been improved with a water system, sewer system, and grading of streets. If the governing body should deny a requested improvement district formation, it shall state the grounds for such denial in a written letter to interested parties.".

3. On page 4, line 10, strike "may" and reinstate the stricken matter; and in line 13 after the period insert "For purposes of this act, the governing body shall have the discretion to approve the formation of the proposed district when the area to be improved has not previously been improved with a water system, sewer system, and grading of streets. If the governing body should deny a requested district formation, it shall state the grounds for such denial in a written letter to interested parties.".

LEGISLATIVE BILL 304. Placed on General File as amended.
Standing Committee amendment to LB 304:
AM0390

1. On page 3, lines 1, 5, and 14, strike "fifteen" and insert "ten"; and in line 16 after the first "bids" insert", unless such contract shall be entered into for the benefit of the municipal electric utility. A municipal electric utility may enter into a

contract for any such work or improvement or for the purchase of such equipment without advertising for bids if the: (a) Price is ten thousand dollars or less; (b) price is twenty thousand dollars or less and the municipal electric utility has gross annual revenues from retail sales in excess of one million dollars; (c) price is thirty thousand dollars or less and the municipal electric utility has gross annual revenues from retail sales in excess of five million dollars; or (d) price is forty thousand dollars or less and the municipal electric utility has gross annual revenues from retail sales in excess of ten million dollars".

(Signed) Dave Newell, Chairperson

Public Works

LEGISLATIVE BILL 236. Placed on General File as amended.
Standing Committee amendment to LB 236:
AM0404

1. On page 5, line 6, after "for" insert "soil and" and strike "measures", show as stricken, and insert "practices".

LEGISLATIVE BILL 326. Placed on General File as amended.
Standing Committee amendments to LB 326:
AM0413

1. Insert the following new section:
"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".
2. On page 2, line 12, strike the new matter and reinstate the stricken matter.

LEGISLATIVE BILL 350. Placed on General File as amended.
Standing Committee amendment to LB 350:
AM0405

1. On page 4, line 6, after "of" insert "(i) until July 1, 1985," and after "dollars" insert "and (ii) on July 1, 1985, and thereafter, seven hundred fifty dollars".

LEGISLATIVE BILL 366. Placed on General File as amended.
Standing Committee amendments to LB 366:
AM0411

1. On page 2, lines 8, 14, and 15, strike the new matter.
2. On page 3, after line 12, insert the

following new subsection:

"(3) Any district referred to in subsection (1) of this section may amend its charter to provide for the election of its directors by subdivided districts pursuant to section 70-612. Such amendments may elininate, detach, reduce, or subdivide area and territory from within the boundaries of such district.".

LEGISLATIVE BILL 412. Placed on General File as amended.
Standing Committee amendments to LB 412:
AM0412

1. On page 3, line 14, strike "one dollar" and insert "ten per cent of the fee collected pursuant to this section but not more than five dollars"; and strike beginning with "If" in line 15 through the period in line 19.

2. On page 8, line 25, strike "one"; in line 26 strike "dollar" and insert "ten per cent of the fee collected pursuant to this section"; and in line 27 strike beginning with "If" through the second "the".

3. On page 9, lines 1 to 4, strike the new matter.

LEGISLATIVE BILL 335. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

Agriculture and Environment

LEGISLATIVE BILL 536. Placed on General File as amended.
Standing Committee amendments to LB 536:
AM0397

1. On page 10, line 25, strike "or" and show as stricken, after "marks" insert ", or tattoos", and strike "and", show as stricken, and insert the following new subdivision:

"(39) Tattoo shall mean the conspicuous curvilinear marks or patterns brought about by pricking a pigment coloration into the skin of an animal by using a needle or similar device, or the act of marking, coloring, or pricking into the skin of an animal coloring matter or ink which forms an indelible mark or figure; and"; and in line 26 strike "(39)" and insert "(40)".

2. On page 11, line 9, strike "(39)" and insert "(40)".

(Signed) Rex Haberman, Chairperson

UNANIMOUS CONSENT - Withdraw Name

Mr. H. Peterson asked unanimous consent to withdraw his name as co-introducer to LB 47. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 21.

A BILL FOR AN ACT to amend section 46-122, Reissue Revised Statutes of Nebraska, 1943, relating to surface water and irrigation; to modify provisions relating to certain water rights; to authorize a change of location; to provide duties; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Barrett	Beutler	Beyer	Carsten	Chambers
Chronister	Clark	Cullan	DeCamp	Doyle
Fenger	Goll	Goodrich	Haberman	Hannibal
Hefner	Hoagland	Jacobson	Johnson, L.	Johnson, V.
Kahle	Kilgarin	Lamb	Landis	Lundy
Marsh	Morehead	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Vickers	Von Minden	Wagner	Warner
Wiitala				

Voting in the negative, 1:

Newell

Excused and not voting, 7:

Abboud	Eret	Fowler	Higgins	Johnson, R.
Labedz	Wesely			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 248. With Emergency.

A BILL FOR AN ACT to amend sections 48-602, 48-604, 48-625, and

48-628, Revised Statutes Supplement, 1982, relating to employment security; to increase the taxable wage base; to extend the exemption for alien farmworkers as prescribed; to eliminate the age requirement for work-study students; to round unemployment benefit amounts as prescribed; to deny benefits to certain employees of educational institutions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Barrett	Beutler	Beyer	Carsten	Chambers
Chronister	Clark	Cullan	DeCamp	Doyle
Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Hoagland	Jacobson
Johnson, L.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Vickers	Von Minden	Wagner	Warner	Wiitala

Voting in the negative, 0.

Excused and not voting, 4:

Abboud	Higgins	Johnson, R.	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.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 35. Placed on General File as amended.
Standing Committee amendment to LB 35:
AM0270

1. On page 6, line 9, after the period insert "In addition to the public notice requirement in section 84-907, the commission shall, at least twenty days in advance, notify by mail the clerks of all cities, villages, and counties, which might be affected, of any

hearing to consider the adoption, amendment, or repeal of such minimum standards."; and in line 12 after "flood" insert "and shall consider (a) the danger to life and property by water which may be backed up or diverted by proposed obstructions and land uses, (b) the danger that proposed obstructions or land uses will be swept downstream to the injury of others, (c) the availability of alternate locations for proposed obstructions and land uses, (d) the opportunities for construction or alteration of proposed obstructions in such a manner as to lessen the danger, (e) the permanence of proposed obstructions or land uses, (f) the anticipated development in the foreseeable future of areas which may be affected by proposed obstructions or land uses, (g) hardship factors which may result from approval or denial of proposed obstructions or land uses, and (h) such other factors as are in harmony with the purposes of this act".

(Signed) Loran Schmit, Chairperson

SELECT FILE

LEGISLATIVE BILL 185. Messrs. Barrett and Lamb renewed their pending amendment found in the Journal on page 551.

The Barrett-Lamb 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 135. Mr. Doyle asked unanimous consent to withdraw his pending amendment found in the Journal on page 613. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 62. Mr. Wiitala offered the following amendment:

On page 2, in line 17, after the period, insert; "Annual appropriations for grants to school districts shall not exceed fifty thousand dollars from the General Fund."

Mr. Wiitala moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The Wiitala amendment was adopted with 25 ayes, 12 nays, 8 present and not voting, and 4 excused and not voting.

Mr. Clark requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 15 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 62A. Mr. Clark requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 16 nays, 4 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 44. E and R amendment, AM5026, found in the Journal on page 581 for the Twenty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 126. Mr. Cullan requested to pass over.

LEGISLATIVE BILL 249. Mr. Barrett requested to pass over.

LEGISLATIVE BILL 421. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 107. E & R amendment, AM5029, found in the Journal on page 587 for the Thirtieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 110. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 439. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 145. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 383. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 238. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 298. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 301. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 382. E & R amendment, AM5030, found in the Journal on page 587 for the Thirtieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 208. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 70. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 53. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 417. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 522. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 542. E & R amendments, AM5031, found in the Journal on page 587 for the Thirtieth Day were adopted.

Advanced to E & R for Engrossment.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 75. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 72. E & R amendment, AM5033, found in the Journal on page 588 for the Thirtieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 98. Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 282. Placed on General File.

(Signed) Jerome Warner, Chairperson

Revenue

LEGISLATIVE BILL 25. Placed on General File as amended.
Standing Committee amendments to LB 25:
AM0398

1. On page 3, strike lines 23 through 27.
2. On page 4, strike lines 1 through 4; in line 5 strike "(3)" and insert "(2)"; and in line 23 strike "1983" and insert "1984".
3. Strike original sections 5, 14, 16, 17, 26, and 33.
4. On page 13, line 26, strike the underscored comma.
5. On page 37, line 16, strike the comma and show as stricken.
6. On page 48, line 14, strike "General" and insert "Sales Tax".
7. On page 51, line 21, strike "1983" and insert "1984"; in line 23 strike "2-1577," and strike "68-1106,"; in line 24 strike "71-5010, 71-5027,"; and in line 25 after "79-1103.05," insert "and" and strike "83-1,143.03,".
8. On page 52, line 1, strike "79-445,".
9. Renumber remaining sections accordingly.

LEGISLATIVE BILL 571. Placed on General File as amended.
Standing Committee amendments to LB 571:
AM0377

1. Strike section 1.
2. On page 18, line 15, strike "66-414," and
3. strike the second comma.
4. Renumber the remaining sections
5. accordingly.

LEGISLATIVE BILL 404. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

MR. CLARK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 59. Title read. Considered.

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Cullan and Newell asked unanimous consent to withdraw their pending amendment found in the Journal on page 523. No objections. So ordered.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion lost with 8 ayes, 15 nays, and 26 not voting.

Mr. Warner moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Warner requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Beutler	Carsten	Chambers	Cullan	Doyle
Eret	Fowler	Hannibal	Hoagland	Johnson, V.
Kahle	Kilgarin	Labedz	Landis	Lundy
Marsh	Morehead	Newell	Rupp	Sieck
Vickers	Wagner	Warner	Wesely	Wiitala

Voting in the negative, 20:

Abboud	Barrett	Beyer	Clark	DeCamp
Fenger	Goll	Goodrich	Haberman	Hefner
Higgins	Jacobson	Johnson, L.	Lamb	Pappas

Peterson, H. Peterson, R. Pirsch Remmers Von Minden

Absent and not voting, 1:

Chronister

Excused and not voting, 3:

Johnson, R. Nichol Schmit

Advanced to E & R for Review with 25 ayes, 20 nays, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 497. Title read. Considered.

Standing Committee amendment, AM0122, found in the Journal on page 397 for the Twentieth Day was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Wiitala moved for a Call of the House. The motion prevailed with 5 ayes, 0 nays, and 44 not voting.

Advanced to E & R for Review with 25 ayes, 6 nays, 14 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 50 and 191.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 59 in the Journal. No objections. So ordered.

AM0414
1. Strike the original sections and insert

the following new sections:

"Section 1. That section 77-2715.01, Revised Statutes Supplement, 1982, be amended to read as follows:

77-2715.01. (1) (a) Commencing in 1983 the Legislature shall annually ~~On or before November 15 of each year, the State Board of Equalization and Assessment shall~~ set the rate of the income tax imposed by section 77-2715 for the taxable year beginning in the subsequent calendar year, and the rate of the sales tax imposed by subsection (1) of section 77-2703 which will be effective from January 1 through December 31 of the succeeding year, except that for ~~the period May 1 through December 31, 1982, the rate of the sales tax shall be three and one-half per cent.~~ calendar year 1983 the Legislature shall also set such rates for the current calendar year. The Legislature shall use the procedures provided in this section in setting such rates.

(b) The Revenue Committee of the Legislature shall introduce a bill proposing the rate of the income tax imposed by section 77-2715 and the rate of the sales tax imposed by subsection (1) of section 77-2703. The committee shall hold a public hearing on such bill.

~~Recognizing that an adequate cash flow is necessary to maintain the orderly implementation of various legislative acts, it is mandatory that the funding of those acts which have a fiscal impact beyond a current appropriations year be considered when setting the sales and income tax rates. Accordingly, the purpose of this subsection is to provide that the State Board of Equalization and Assessment shall set rates based on appropriations and the express obligations of the Legislature for the two succeeding calendar years following the rate-setting date. Such action will provide an adequate cash flow, the orderly implementation of the funding of acts as intended by the Legislature, and eliminate drastic fluctuations in the state sales and income tax rates.~~

~~(a) In fixing the rates, the State Board of Equalization and Assessment shall first determine the status of all appropriations and express obligations for the next two succeeding calendar years following the rate-setting date which must be financed from the receipts from the sales and use taxes, the individual and corporation income and franchise taxes and other miscellaneous receipts to the General Fund, from a certified statement of all appropriations and express~~

~~obligations for the next two succeeding calendar years following the rate-setting date made by the most recent regular session of the Legislature, which statement the Director of Administrative Services shall prepare and furnish prior to the convening of such board.~~

~~(b) If the Legislature should meet in a special session during any year, the board shall add to the appropriations and express obligations as certified pursuant to subdivision (a) of this subsection, the appropriation for the legislative session, all miscellaneous claims, deficiency bills, and all emergency appropriations and express obligations.~~

~~(c) The board shall then determine the balance of the General Fund at the beginning of the period under consideration and the estimated receipts to the General Fund from all sources other than the sales, use, income, and franchise taxes for this period.~~

~~(d)~~ (c) The Legislature ~~board~~ shall ~~then~~ set the rates of the sales tax and income tax so that the estimated funds available ~~pursuant to subdivision (c) of this subsection~~ plus estimated receipts from the sales, use, income, and franchise taxes will be not less than ~~two~~ three per cent nor more than seven per cent in excess of the appropriations and express obligations for the next two succeeding calendar years. ~~following the rate-setting date as determined pursuant to subdivisions (a) and (b) of this subsection.~~ The purpose of this subdivision is to insure that there shall be maintained in the state treasury an adequate General Fund balance, considering cash flow, to meet the appropriations and express obligations ~~as certified as provided in subdivision (a) of this subsection~~ of the state.

(d) ~~(e)~~ The rates of the sales and income taxes shall be fixed so that the total sales and use taxes levied will as nearly as possible equal the total individual income tax levied for the calendar year for which the rates so fixed will be effective. ~~except when a change in the sales and use tax rate or individual income tax rate would be required solely to meet the provisions of this subdivision.~~ The Legislature ~~board~~ shall set the rates in such a manner that total sales and use tax revenue should not exceed total individual income tax revenue in any particular year.

(e) ~~(f)~~ For purposes of this subsection, total sales and use taxes levied shall mean the total state sales and use tax liability of all taxpayers for the calendar year minus total food sales tax credits

attributable to the same period. Total income and franchise taxes levied shall mean the total state income and franchise tax liability of all taxpayers for the calendar year, before deduction of food sales tax credits.

(f) ~~(g)~~ The sales tax rate so fixed by the Legislature ~~board~~ shall be an increment of one half ~~one-fourth~~ of one per cent, and the income tax rate so fixed shall be an increment of one ~~half of one~~ per cent.

(g) ~~(h)~~ For purposes of this section, express obligation shall mean an obligation which has fiscal impact identifiable by a sum certain or by an established percentage or other determinative factor or factors.

(2) ~~The board shall meet (a) within fifteen days after the adjournment of each regular session of the Legislature, (b) within thirty days after each special session of the Legislature, and (c) not later than the later of (i) sixty days after passage and approval or (ii) fifteen days prior to the effective date of any changes in the provisions of the Internal Revenue Code of 1954 and amendments thereto, other provisions of the laws of the United States relating to federal income taxes, or the rules and regulations issued under such laws, if such federal changes would increase or decrease the total projected income and franchise taxes levied for any twelve-month period by an amount equal to or greater than the amount of revenue raised from such sources by a one half per cent tax rate increment and shall determine whether the rates for sales tax and income tax must be changed. At any meeting of the board held due to changes in federal law, the board shall adjust the income tax rate so that the total income and franchise taxes levied shall as nearly as possible equal the income and franchise taxes which would have been levied if there had been no change in the federal law.~~ The chairperson of the Legislature's Revenue Committee shall meet with the Tax Commissioner within ten days after the fifteenth of November of each year and shall determine whether the rates for sales tax and income tax should be changed. In making such determination ~~the board~~ they shall recalculate the requirements pursuant to the formula set forth in subsection (1) of this section, taking into consideration the appropriations and express obligations for any ~~such special~~ session, all miscellaneous claims, deficiency bills, and all emergency appropriations.

In the event it is determined by the Revenue

Committee that ~~the board determines~~ the rates must be changed as a result of a ~~such~~ regular or special session or as a result of a change in the provisions of the Internal Revenue Code of 1954 and amendments thereto, other provisions of the laws of the United States relating to federal income taxes, and the rules and regulations issued under such laws, the committee shall petition the Governor to call a special session of the Legislature to make whatever rate changes may be necessary. ~~such sales tax rate shall be made effective at the beginning of any calendar month within the current calendar year and such income tax rate shall be effective for the current taxable year.~~

~~(3) Public notice of any meeting of the board at which sales and income tax rates are to be considered shall be given at least ten days prior to the meeting, by a news release for statewide distribution, by publication in a legal newspaper of general circulation in the state, and in such other forms as the Tax Commissioner shall deem appropriate. The notice shall contain an agenda of matters to be taken up, and a statement that all written reports and fiscal data to be considered by the board at the meeting shall be available to the public at the Tax Commissioner's office during normal business hours at least two business days prior to the meeting.~~

Sec. 2. That original section 77-2715.01, Revised Statutes Supplement, 1982, and also section 77-2715.03, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715.02, Revised Statutes Supplement, 1982, are repealed.".

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 414. Placed on Select File as amended.
E & R amendment to LB 414:
AM5032
1. On page 2, line 6, strike the period and insert an underscored comma.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 414 in the Journal. No objections. So ordered.

Strike DeCamp amendment adopted 2-16-83 on General File.

GENERAL FILE

LEGISLATIVE BILL 24. Title read. Considered.

Standing Committee amendment, AM0161, found in the Journal on page 405 for the Twentieth Day was considered.

Mrs. Labedz offered the following amendment to the Standing Committee amendment:
AM0329

Amendment to Committee Amendment

1. In the Standing Committee amendments found on page 405 of the Journal, on page 1, strike beginning with "line" in line 1 through "in" in line 2; in line 2 after "7" insert a comma; and in line 3 after "or" insert "to trap within a two hundred yard radius of any".

The Labedz amendment was adopted with 22 ayes, 0 nays, 23 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 199. Title read. Considered.

SPEAKER NICHOL PRESIDING

Standing Committee amendments, AM0160, found in the Journal on page 406 for the Twentieth Day were adopted with 26 ayes, 7 nays, 14 present and not voting, and 2 excused and not voting.

Mr. Fenger asked unanimous consent to be excused. No objections. So ordered.

Mr. Landis renewed his pending amendment, AM0359, found in the Journal on page 558.

Mr. R. Peterson asked unanimous consent to be excused. No objections. So ordered.

Amendment pending.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 318. Placed on General File.
LEGISLATIVE BILL 329. Placed on General File.

LEGISLATIVE BILL 189. Placed on General File as amended.
Standing Committee amendments to LB 189:
AM0365

1. On page 2, lines 5, 8, and 22, strike "two", show as stricken, and insert "one"; in line 8, after "inhabitants" insert "which have not elected a public defender prior to the effective date of this act"; in line 9 after the first "the" insert "next", and strike "in the year 1944", show as stricken, and insert "following the effective date of this act or the year in which the county obtains a population of one hundred thousand inhabitants"; and in line 21 strike "January 1, 1973", show as stricken, and insert "on the effective date of this act".

2. On page 3, strike lines 6 and 7 and insert:

"No public defender or assistant public defender shall solicit or accept any fee for representing a criminal defendant in a prosecution in which the public defender or assistant is already acting as the defendant's court-appointed counsel.".

3. Strike original sections 2 and 3 and insert the following new sections:

"Sec. 2. That section 29-1804.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-1804.03. (1) It shall be the duty of the public defender to represent all indigent persons who are charged by complaint, information, or indictment with, or under arrest for investigation or on suspicion that they may have committed, any criminal offense within the county having a public defender, which may be punishable by imprisonment in the Nebraska Penal and Correctional Complex, referred to in sections 29-1804.03 to 29-1804.12 as indigent felony defendants. The public defender shall represent indigent felony defendants at all critical stages of felony proceedings against them through the stage of sentencing. Sentencing shall include hearings on charges of violation of felony probation. Following the sentencing of any indigent defendant represented by him or her, the public defender may take any direct, collateral, or post-conviction

appeals to state or federal courts which he or she considers to be meritorious and in the interest of justice, and shall file a notice of appeal and proceed with one direct appeal to the Supreme Court of Nebraska upon a timely request after sentencing from any such convicted felony defendant, subject to the public defender's right to apply to the court to withdraw from representation in any appeal which he or she deems to be wholly frivolous.

(2) It shall also be the duty of the public defender to represent all indigent persons against whom informations of mental illness have been filed with the county boards of mental health, to the extent required by sections 83-325.01 to 83-325.04.

(3) It shall also be the duty of the public defender to represent all indigent persons charged with misdemeanor offenses punishable by imprisonment, when appointed by the court.

(4) Appointment of a public defender shall be by the court in accordance with sections 29-1804.05 and 29-1804.07. A public defender shall not represent an indigent person prior to appointment by the court, except that a public defender may represent a person under arrest for investigation or on suspicion without appointment if the person executes a statement of indigency. A public defender shall not inquire into a defendant's financial condition for purposes of indigency determination except to provide a statement of indigency to a person under arrest for investigation or on suspicion. A public defender shall not make a determination of a defendant's indigency, nor recommend to a court that a defendant be determined or not determined as indigent.

Sec. 3. That section 29-1804.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-1804.05. At a felony defendant's first appearance before a court, ~~without retained counsel,~~ the court shall advise him or her of his or her right to court-appointed counsel if he or she is indigent.

If he or she asserts his or her indigency, the court shall make a reasonable inquiry to determine his or her financial condition, and may require him or her to execute an affidavit of ~~his~~ indigency. If the court determines him or her to be indigent, it shall formally appoint the public defender to represent him or her in all proceedings before the court, and shall make a notation of such appointment and appearances of the

public defender upon the felony complaint. The same procedure shall be followed by the court in misdemeanor cases punishable by imprisonment.

Sec. 4. That section 29-1804.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-1804.07. At a felony defendant's first appearance before a judge, ~~without retained counsel,~~ the judge shall advise him or her of his or her right to court-appointed counsel if such person is indigent. If he or she asserts his or her indigency, the court shall make a reasonable inquiry to determine such person's financial condition, and shall require him or her to execute an affidavit of indigency for filing with the clerk of the court. If the court determines the defendant to be indigent, it shall formally appoint the public defender, or in counties not having a public defender, an attorney or attorneys licensed to practice law in this state, not exceeding two, to represent the indigent felony defendant at all future critical stages of the criminal proceedings against such defendant, consistent with the provisions of section 29-1804.03, but appointed counsel other than the public defender must obtain leave of court before being authorized to proceed beyond an initial direct appeal to the Supreme Court of Nebraska, to any further direct, collateral, or post-conviction appeals to state or federal courts. A felony defendant who is not indigent at the time of his or her first appearance before a judge may nevertheless assert his or her indigency at any subsequent stage of felony proceedings, at which time the judge shall consider appointing counsel as otherwise provided in this section. The judge shall make a notation of such appointment and all appearances of appointed counsel upon the court's docket. If at the time of appointment of counsel the indigent felony defendant and appointed counsel have not had a reasonable opportunity to consult concerning the prosecution, the judge shall continue the arraignment, trial, or other next stage of the felony proceedings for a reasonable period of time to allow for such consultation.

Sec. 5. That original sections 29-1804, 29-1804.03, 29-1804.05, and 29-1804.07, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

LEGISLATIVE BILL 307. Indefinitely postponed.
LEGISLATIVE BILL 320. Indefinitely postponed.
LEGISLATIVE BILL 361. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 21 and 248.

VISITORS

Visitors to the Chamber were Joy Price and Kathy Cullan from Hemingford; and Marcia Bonadonna and Hilda Greguras from Omaha.

ADJOURNMENT

At 12:01 p.m., on a motion by Mr. Clark, the Legislature adjourned until 9:00 a.m., Thursday, February 24, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SECOND DAY - FEBRUARY 24, 1983

LEGISLATIVE JOURNAL

THIRTY-SECOND DAY - FEBRUARY 24, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 24, 1983

Pursuant to adjournment, the Legislature met at 9:05 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Father Francis Murphy, Saint Patricks Catholic Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Fowler and Newell who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 597, line 33, strike the period.
The Journal for the Thirtieth Day was approved as corrected.

Page 629, line 2, strike "16" and insert "22".
The Journal for the Thirty-First Day was approved as corrected.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 23, 1983, at 3:56 p.m., were the following bills: 21 and 248.

(Signed) Pamela Moravec, Enrolling Clerk

REPORT

Received lease renewal contract from Department of Public Institutions at Norfolk.

COMMUNICATION

February 23, 1983

Dear Senator Wagner:

I have reviewed LB 36 and LB 37 which both amend section 2-1504, Revised Statutes Supplement, 1982, and have concluded that the amendments to this section are reconcilable and do not conflict with each other. While each bill addresses different parts of this section, I feel the intent and action of the Legislature can be given effect by combining the individual changes made by these two bills.

I am enclosing a copy of section 49-769, Revised Statutes Supplement, 1982, which makes it the duty of the Revisor of Statutes to correlate statutes amended in two or more bills which have not been correlated as a part of the normal legislative process. It appears to me that section 2-1504 as amended by LB 36 and LB 37 falls within the provisions of section 49-769.

If you have any questions, please contact me.

Sincerely,
(Signed) Joanne M. Pepperl
Revisor of Statutes

JMP/kjc

NOTICE OF COMMITTEE HEARING
Public Works

Governor's Appointment, Thursday, March 10, 1983 1:00 p.m.
Joseph W. McNamara, Jr.
Board of Public Roads Classifications and Standards

(Signed) Loran Schmit, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 20. With Emergency.

A BILL FOR AN ACT to amend sections 2-4202, 2-4203, 2-4204, 2-4211, 2-4213, 2-4216, 2-4217, 2-4218, 2-4219, 2-4220, 2-4221, 2-4225, 2-4227, and 2-4235, Revised Statutes Supplement, 1982, relating to natural resources; to change provisions relating to legislative policy; to define and redefine terms; to change provisions relating to the powers, duties, and requirements of a corporation as prescribed; to change provisions relating to the rules and regulations of the corporation; to change provisions relating to the issuance and payment of bonds; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall

the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Clark	Cullan	DeCamp	Doyle
Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Wiitala		

Voting in the negative, 0.

Present and not voting, 1:

Beutler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 36.

A BILL FOR AN ACT to amend sections 2-1507, 2-3204, and 2-3228, Reissue Revised Statutes of Nebraska, 1943, and section 2-1504, Revised Statutes Supplement, 1982, relating to natural resources; to modify election procedures and duties of the Natural Resources Commission; to modify powers of natural resources districts; to eliminate obsolete language; and to repeal the original sections, and also sections 2-1507.01, 2-1507.02, 2-1529, and 2-1571 to 2-1574, 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, 49:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hannibal	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis

Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Wiitala	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 37.

A BILL FOR AN ACT to amend section 2-1504, Revised Statutes Supplement, 1982, relating to the Natural Resources Commission; to change provisions relating to membership; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hannibal	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Wiitala	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 30.

A BILL FOR AN ACT to amend section 2-101, Revised Statutes Supplement, 1982, relating to agriculture; to change provisions relating to the annual meeting of the State Board of Agriculture; and to repeal

the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hannibal	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Wiitala	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 34.

A BILL FOR AN ACT relating to game and parks; to provide for disposition of certain animals.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hannibal	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Wiitala	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 81.

A BILL FOR AN ACT to amend sections 23-1723, Reissue Revised Statutes of Nebraska, 1943, relating to county government and officers; to change the membership of the sheriff's office merit 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, 49:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hannibal	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Wiitala	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 82.

A BILL FOR AN ACT to amend section 81-108, Reissue Revised Statutes of Nebraska, 1943, relating to state administrative departments; to allow certain persons to serve on policymaking bodies; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hannibal	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Wiitala	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 83.

A BILL FOR AN ACT to amend sections 81-8,265 and 81-8,271, Reissue Revised Statutes of Nebraska, 1943, relating to independent boards and commissions; to provide additional functions and powers of the Commission on Mexican-Americans; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Barrett	Beyer	Carsten	Chambers	Chronister
Clark	Cullan	DeCamp	Doyle	Eret
Fenger	Fowler	Goll	Goodrich	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Landis	Lundy	Marsh	Morehead	Newell
Nichol	Pappas	Peterson, H.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Wagner
Wesely	Wiitala			

Voting in the negative, 5:

Abboud	Haberman	Lamb	Peterson, R.	Von Minden

Present and not voting, 2:

Beutler Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Withdraw Amendment to LB 87

Mr. Fenger asked unanimous consent to withdraw his pending amendment, AM0303, found in the Journal on page 516 to LB 87. No objections. So ordered.

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 71-201, 71-202.01, 71-204, 71-208.02, 71-210, 71-211, 71-216, 71-216.01, 71-217, and 71-219, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to change provisions relating to the training and instructional requirements for barbers; to eliminate certain apprentice barbers; to change provisions relating to barber instructors and examinations; to harmonize provisions; to provide an additional ground for denial or revocation of registration; to change fees; and to repeal the original sections, and also sections 71-201.02, 71-205, 71-205.01, 71-206, 71-213, and 71-214, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hannibal	Hefner	Higgins
Hoagland	Jacobson	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Wiitala		

Voting in the negative, 0.

Present and not voting, 1:

Johnson, L.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 104.

A BILL FOR AN ACT to amend section 37-214.01, Revised Statutes Supplement, 1982, relating to game and parks; to clarify provisions relating to foreign exchange students; and to repeal the original section.

Whereupon the 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hannibal	Hefner	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely			

Voting in the negative, 0.

Present and not voting, 1:

Wiitala

Excused and not voting, 1:

Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 149.

A BILL FOR AN ACT to amend section 54-401, Reissue Revised Statutes of Nebraska, 1943, relating to livestock; to exempt livestock owners from liability 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hannibal	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Lamb	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Wiitala		

Voting in the negative, 0.

Present and not voting, 1:

Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 195.

A BILL FOR AN ACT to amend sections 77-3503, 77-3508, 77-3509, 77-3511, 77-3512 to 77-3515, 77-3527, and 77-3529, Reissue Revised Statutes of Nebraska, 1943, relating to homestead exemptions; to provide additional procedures and requirements; to define a term; to authorize qualification for an alternate exemption; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Abboud	Barrett	Beutler	Beyer	Carsten

Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hannibal	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Wiitala	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 367.

A BILL FOR AN ACT to repeal sections 71-2901 to 71-2916, Reissue Revised Statutes of Nebraska, 1943, relating to mosquito abatement.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hannibal	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Wiitala	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 401.

A BILL FOR AN ACT to amend sections 68-701 and 68-701.01, Reissue Revised Statutes of Nebraska, 1943, relating to public welfare; to change the name of the Department of Public Welfare; to harmonize provisions; to provide powers and duties for the Revisor of Statutes; 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:

Barrett	Beutler	Beyer	Carsten	Chambers
Chronister	Clark	Cullan	DeCamp	Doyle
Eret	Fenger	Fowler	Goll	Goodrich
Higgins	Hoagland	Johnson, V.	Kilgarin	Labedz
Landis	Marsh	Newell	Nichol	Pappas
Remmers	Rupp	Schmit	Sieck	Vickers
Wagner	Warner	Wesely	Wiitala	

Voting in the negative, 15:

Abboud	Haberman	Hannibal	Hefner	Jacobson
Johnson, L.	Johnson, R.	Kahle	Lamb	Lundy
Morehead	Peterson, H.	Peterson, R.	Pirsch	Von Minden

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 413. With Emergency.

A BILL FOR AN ACT to amend sections 81-197 and 81-1,103, Reissue Revised Statutes of Nebraska, 1943, and section 81-1,105, Revised Statutes Supplement, 1982, relating to state administrative departments; to postpone the termination of certain boards and review procedures as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp

Doyle	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hannibal	Hefner	Higgins
Hoagland	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Wiitala		

Voting in the negative, 0.

Present and not voting, 1:

Jacobson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 387 in the Journal. No objections. So ordered.

AM0436

1. On page 8, strike beginning with "not" in line 5 through "79-1331" in line 12 and insert "which shall be based as accurately as possible upon the per pupil cost of high school education in each district receiving nonresident students. The per pupil cost shall be determined by dividing the sum of the operational cost, the debt service expense of the accepting district, except retirement of debt principal, plus three per cent of the insurable or present value of the school plant and equipment of the accepting district, by the average daily memebership of pupils in the accepting district.

The basis for setting tuition as provided in this subsection shall expire on June 1, 1985, unless it be extended by an act of the Legislature".

MOTION - Introduce New Bill

Mr. DeCamp moved to suspend the rules, Rule 5, Section 4 (c) to permit the introduction of a new bill, Req 960.

Laid over.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 94. Placed on General File as amended.
Standing Committee amendments to LB 94:
AM0389

1. On page 7, line 2, strike "an exemption" and insert "a deferral"; and in lines 8, 17, and 27 strike "exemption" and insert "deferral".

2. On page 8, line 18, strike "an exemption" and insert "a deferral"; and in lines 19 and 24 strike "exemption" and insert "deferral".

3. On page 9, lines 2 and 3, strike "exemption" and insert "deferral"; and in line 6 strike "delinquent".

LEGISLATIVE BILL 308. Placed on General File as amended.
Standing Committee amendments to LB 308:
AM0388

1. Insert the following new section:

"Sec. 2. That section 16-302.01, Revised Statutes Supplement, 1982, be amended to read as follows:

16-302.01. (1) In any city of the first class, except any city having adopted the commissioner or city manager form of government, there shall be elected a mayor at large and one or two council members from each ward, who shall be electors of the city and residents of the ward from which elected, except that there shall be at least four council members. The council may also, by a two-thirds vote of its members, provide by ordinance for the election of the treasurer and clerk. All nominations and elections of such officers shall be held as provided in Chapter 32, or as provided in this act.

(2) Commencing with the statewide primary election in 1976, and every two years thereafter, those candidates whose terms will be expiring shall be nominated at the statewide primary election and elected at the statewide general election.

(3) All elected officers in a first-class city shall serve for a term of four years and until their successors are elected and have qualified.

(4) If the number of candidates properly filed for nomination at the primary election does not exceed two for each vacancy to be filled, all candidates properly filed shall be considered nominated, and no primary election for their nomination shall be required.

(5) When any second-class city by law becomes a first-class city, and adopts the first-class city form of government, and it becomes necessary to establish the staggering of terms by nominating and electing members for terms of different durations at the same election, the candidates receiving the greatest number of votes shall be nominated and have their names placed on the general election ballot. In no case shall the city clerk, county clerk, or election commissioner place on the general election ballot more than twice the number of names required to fill the vacancies that will occur.

(6) In the case of a tie vote of any of the candidates in either the primary or general election, the city clerk, county clerk, or election commissioner shall notify such candidates to appear at his or her office on a given day and hour to determine the same by lot before the canvassing board, and the certificate of nomination or election shall be given accordingly. Notice to appear shall be given by certified mail.

(7) The city clerk, county clerk, or election commissioner in preparing the official ballot for the general election shall place thereon the names of the persons who received the greatest number of votes in the primary, but in no event shall the names on the general election ballot be more than twice the number of vacancies to be filled at the general election. Petitions for the filling of a vacancy on the ballot shall be filed in accordance with section 32-537.

(8) The city clerk, county clerk, or election commissioner shall place the names of the candidates on the general election ballot in the direct order according to the number of votes received at the primary election. If no primary election was held, the names of the candidates shall be placed upon the general election ballot in the order of their filing. The term of office of all such members shall commence on the first regular meeting of the council in December following their election. Any vacancy on the council resulting from causes other than expiration of the term shall be filled by vote of the remaining members as provided in section 32-4,152.

(9) Any city of the first class having a home rule charter may provide in such charter for a nominating petition or filing fee or both for any person desiring to be a candidate for the office of council member or mayor.".

2. On page 2, line 12, strike "section" and insert "sections" and after "16-104" insert "and

3 16-302.01"; and in line 13 strike "is" and insert "are".
4 3. Renumber original section 2 as section 3.

(Signed) Dave Newell, Chairperson

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 117	Thursday, March 3, 1983 (rehearing)	7:00 p.m.
LB 343	Thursday, March 3, 1983 (rehearing)	7:00 p.m.

(Signed) John W. DeCamp, Chairperson

MOTION - Place LB 86 on General File

Mrs. Higgins renewed her pending motion found in the Journal on page 533 to place LB 86 on General File notwithstanding the committee action.

Mr. Wagner asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. CLARK PRESIDING

Mr. Cullan asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wiitala moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Higgins moved for a Call of the House. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Mrs. Higgins requested a roll call vote on her motion.

Voting in the affirmative, 23:

Beyer	Chronister	Clark	DeCamp	Fenger
Goodrich	Haberman	Higgins	Hoagland	Johnson, L.
Kilgarin	Labedz	Morehead	Newell	Pappas
Peterson, H.	Pirsch	Rupp	Schmit	Wagner
Warner	Wesely	Wiitala		

Voting in the negative, 21:

Abboud	Barrett	Beutler	Carsten	Chambers

Eret	Fowler	Goll	Hannibal	Hefner
Johnson, R.	Johnson, V.	Kahle	Lamb	Landis
Lundy	Marsh	Peterson, R.	Remmers	Vickers
Von Minden				

Present and not voting, 3:

Doyle	Jacobson	Sieck

Excused and not voting, 2:

Cullan	Nichol

The Higgins motion lost with 23 ayes, 21 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mrs. Pirsch asked unanimous consent to print the following amendments to LB 78 in the Journal. No objections. So ordered.

(1)

AM0373

1. In the committee amendments, on page 1, line 4, strike "county" and insert "prosecuting"; and in line 13, after "offender" insert "and shall also include a person who has suffered serious bodily injury as defined in subdivision (20) of section 28-109 as a result of a motor vehicle accident when the driver was charged with a Class W misdemeanor as provided in section 39-669.07 or 39-669.08 or with violation of a city or village ordinance enacted in conformance with either of such sections".

2. Insert the following new section:

"Sec. 3. Prior to reaching a plea agreement with defense counsel, a prosecuting attorney, prosecuting a violation of a city or village ordinance enacted in conformance with either section 39-669.07 or 39-669.08, shall consult with or make a good faith effort to consult with the victim regarding the content of and reasons for such plea agreement.".

3. Renumber remaining sections accordingly.

(2)

AM0410

1. In the committee amendments, on page 1,

line 4, strike "county" and insert "prosecuting"; and strike beginning with the semicolon in line 15 through the quotation marks in line 19.

2. Strike committee amendment 2.

3. Strike original section 2 and insert the following new section:

"Sec. 2. It shall be the duty of the prosecuting attorney to notify (1) all victims as defined in section 1 of this act and, (2) upon written request, the victim of any other felony or misdemeanor of all dates and times of court action relative to the prosecution and sentencing of the case and to further advise them of the content of any plea agreement and reasons for the plea agreement.".

4. On page 7, strike beginning with "and" in line 17 through "are" in line 18 and insert "is".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 165A. By Goodrich, 20th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 165, Eighty-eighth Legislature, First Session, 1983.

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 173. Placed on General File as amended.
Standing Committee amendment to LB 173:
AM0431

1. On page 2, line 25, strike "trapping" and insert "fur harvesting".

LEGISLATIVE BILL 174. Placed on General File as amended.
Standing Committee amendment to LB 174:
AM0432

1. On page 1, line 5, after the semicolon insert "to provide a fee;".

2. On page 2, line 1, before "Except" insert "(1)" and strike "(3)" and insert "(2)"; in line 2 after "resident" insert "or nonresident"; in line 8 after the period insert "Such stamp shall be issued upon the payment of five dollars as provided by the rules and regulations of the Game and Parks Commission."; strike lines 9 to 15; in line 16 strike "(3)" and insert "(2)"

and strike "subsections (1) and (2)" and insert "subsection (1)"; and in line 19 after "fishing" insert "for which a fee is charged".

3. On page 3, line 16, after "resident" insert "or nonresident"; in line 17 strike "or any nonresident individual"; in line 18 strike "attempt to take," and strike the second comma; and in line 20 strike "(3)" and insert "(2)".

4. On page 6, lines 22 and 27, strike "fish for" and insert "kill or possess".

LEGISLATIVE BILL 175. Indefinitely postponed.
LEGISLATIVE BILL 409. Indefinitely postponed.

(Signed) Bernice Labedz, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 59. Placed on Select File as amended.
E & R amendment to LB 59:
AM5034

1. On page 1, line 4, strike "and" and after "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 497. Placed on Select File as amended.
E & R amendments to LB 497:
AM5035

1. On page 1, line 6, after the second comma insert "and".

2. On page 2, line 3, strike "(1)" and show as stricken.

LEGISLATIVE BILL 24. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 114, 155, 178A, 201, 203, 291, and 488.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 155

ER0011

The following changes, required to be reported for publication in the Journal, have been made:

1. Because of the Goll amendment, in the Standing Committee

amendments, line 8, after the second comma "and" has been inserted; and in line 9 ", and other" has been stricken.

Enrollment and Review Change to LB 291

ER0012

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 3, "the civil service commission" has been struck and "cities and villages" inserted.

(Signed) Tristi J. Wilson
E & R Attorney

STANDING COMMITTEE REPORT
Revenue

The Committee on Revenue desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Donna Karnes - State Tax Commissioner, Nebraska Department of Revenue

Voting aye: Senators Hannibal, Hefner, V. Johnson, Landis and Lundy.

Voting nay: None

Absent: Senators Carsten, Pappas, and Sieck.

(Signed) Calvin F. Carsten, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 19 in the Journal. No objections. So ordered.

AM0422

1. On page 3, line 3 after "producer" insert "who is a registered voter"; strike lines 4 through 6; in line 11 strike "marketing" and after "year" strike the period and insert "; and"; and after line 11 insert "(10) Election shall mean the general election.".

2. On page 6, line 11 after "voters" insert "not later than August 1", and after the period insert "No candidate for election shall be subject to the provisions of sections 49-1445 to 49-1479.".

Mr. Beyer asked unanimous consent to print the following amendment to LB 117 in the Journal. No objections. So ordered.

AM0199

1. Insert the following new section:

"Sec. 2. That section 25-205, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-205. ~~An~~ (1) Except as provided in subsection (2) of this section, an action upon a specialty, or any agreement, contract, or promise in writing, or foreign judgment, can only be brought within five years; PROVIDED, that no action at law or equity may be brought or maintained attacking the validity or enforceability of or to rescind or declare void and uncollectible any written contract entered into pursuant to, in compliance with, or in reliance on, a statute of the State of Nebraska which has been or hereafter is held to be unconstitutional by the Supreme Court of Nebraska where such holding is the basis for such action, unless such action be brought or maintained within one year from the effective date of such decision; ~~or within one year from November 22, 1963, whichever is the latest in time;~~ AND PROVIDED FURTHER, that the provisions hereof shall not operate to extend the time in which to bring any action or to revive any action now barred by reason of the operation of any previously existing limitation provision.

(2) An action upon an agreement, contract, or promise in writing which covers farm products, as described in section 9-109, Uniform Commercial Code, shall be brought within eighteen months.".

2. On page 2, line 27, after "section" insert "25-205, Reissue Revised Statutes of Nebraska, 1943, and section".

3. On page 3, line 1, strike "is" and insert "are".

4. Renumber original section 2 as section 3.

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

LB 490	Monday, March 7, 1983	1:30 p.m.
LB 112	Monday, March 7, 1983	1:30 p.m.
LB 389	Monday, March 7, 1983	1:30 p.m.
LB 61	Tuesday, March 8, 1983	1:00 p.m.
LB 486	Tuesday, March 8, 1983	1:00 p.m.

LB 306	Tuesday, March 8, 1983	1:00 p.m.
LB 415	Monday, March 14, 1983	1:30 p.m.
LB 225	Monday, March 14, 1983	1:30 p.m.
LB 418	Tuesday, March 15, 1983	1:30 p.m.
LB 561	Tuesday, March 15, 1983	1:30 p.m.

(Signed) George Fenger, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 70A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 199. Considered.

Mr. Landis renewed his pending amendment, AM0359, found in the Journal on page 558 and considered on page 629.

Mrs. Morehead offered the following amendment to the Landis amendment:
Line 3 strike "two" and insert "one".

Mrs. Higgins, Messrs. R. Johnson, and Wiitala asked unanimous consent to be excused until they return. No objections. So ordered.

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 Morehead amendment lost with 7 ayes, 20 nays, 17 present and not voting, and 5 excused and not voting.

The Landis amendment lost with 8 ayes, 22 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Sieck offered the following amendment:
On page 2, Section 1, Subsection (1), Line 8
Strike "ten" and insert "seven" and after "dollars" insert "and fifty cents"

Mr. R. Peterson asked unanimous consent to be excused. No objections. So ordered.

Mr. Wagner 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 Sieck amendment lost with 9 ayes, 18 nays, 17 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. DeCamp asked unanimous consent to have his name added as co-introducer to LB 70 and LB 70A. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Remmers asked unanimous consent to print the following amendment to LB 117 in the Journal. No objections. So ordered.

1. On page 2, line 10, after "existence", before the period, insert "if such buyer pays the seller by means of a check payable to such seller and a banking institution specified by such seller. If the banking institution authorizes the cashing of the check, the buyer shall be free of any such security interest and the banking institution shall be responsible for any such security interest".

2. On page 2, line 26 before the period, insert "and if such buyer pays the person on whose behalf the livestock or agricultural products were sold by means of a check payable to such a person and a banking institution specified by such person. If the banking institution authorizes the cashing of the check, the buyer shall be free of any such security interest and the banking institution shall be responsible for any such security interest".

Mr. Remmers asked unanimous consent to print the following amendment to LB 253 in the Journal. No objections. So ordered.

1. Sec. 7, Page 11, beginning with line 26, strike "any insurance carrier, duly authorized to do business in this state" and insert "the County Treasurer of the County in which the motor vehicle is to be registered."

2. Add new section, Section 8 which would read as follows: That a new section, 60-529.01, Reissue Revised Statutes of Nebraska, 1943, be added to read "A person can waive the requirement of filing a proof of insurance form by paying a twenty-five dollar fee. The money from this fee shall be deposited into the Uninsured Motorist Protection Fund, hereby created, and shall be used to compensate victims of uninsured motorists. The maximum compensation for a victim from this fund

shall be $1,000."

3. Renumber remaining sections accordingly.

ATTORNEY GENERAL'S OPINION

Opinion No. 29
February 24, 1983

Dear Senator DeCamp:

For the purpose of determining whether corrective legislation is necessary, you ask our opinion as to whether the case of Memphis Bank and Trust Company v. Garner, decided by the United States Supreme Court, January 24, 1983, casts doubt on the validity of any of Nebraska's taxing statutes. It is our conclusion that it does.

31 U.S.C. §742 provides:

> Except as otherwise provided by law, all stocks, bonds, Treasury notes, and other obligations of the United States, shall be exempt from taxation by or under State or municipal or local authority. This exemption extends to every form of taxation that would require that either the obligations or the interest thereon, or both, be considered, directly or indirectly, in the computation of the tax, except nondiscriminatory franchise or other nonproperty taxes in lieu thereof imposed on corporations and except estate taxes or inheritance taxes.

Memphis Bank and Trust Company involved a Tennessee tax on banks based upon their "federal taxable income." Under 26 U.S.C. §103, "federal taxable income," includes interest on obligations of the United States and its instrumentalities, but does not include interest on state or municipal obligations. The Tennessee statute included in the taxable net earnings interest on obligations of states other than Tennessee, but not those of Tennessee or its political subdivisions. The court held that the tax could not be characterized as nondiscriminatory under 31 U.S.C. §742, and therefore it violated that section.

Our individual income tax is, of course, based upon the taxpayer's adjusted federal income tax liability. See, Neb.Rev.Stat. §77-2715 (Supp. 1982). However, Neb.Rev.Stat. §77-2716 (Reissue 1981) provides that there shall be subtracted from federal taxable income interest or dividends on obligations of the United States and its instrumentalities to the extent includable in gross income for federal tax purposes, but exempt from state income taxes under the laws of the United States. Therefore, we have no problem with respect to individual income taxes.

Neb.Rev.Stat. §77-2734(1) imposes an income tax on corporations whose business within the state consists exclusively of foreign commerce, interstate commerce, or both. Section 77-2716 applies to such tax, so, again, we have no problem.

Section 77-2734(2), however, imposes a franchise tax on all other

corporations doing business in the state. It is measured by the corporation's entire net income. "Entire net income" is defined as federal taxable income derived from sources within this state" without regard to the modification referred to in §77-2741. Neb.Rev.Stat. §77-2741 (Reissue 1981) provides, "Interest and dividends are allocable to this state if the taxpayer's commercial domicile is in this state, subject to the modifications provided by section 77-2716."

Therefore, §77-2734(2) imposes the franchise tax expressly excluding a deduction for interest or dividends on obligations of the United States or its instrumentalities, while 26 U.S.C. §103 expressly excludes interest on state or municipal obligations. We are unable to see how it can be argued that Memphis Bank and Trust Company does not apply. It appears that the franchise tax imposed by §77-2734(2) is discriminatory against the United States and its instrumentalities, and is forbidden by 31 U.S.C. §742.

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

RHG:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature

SPEAKER NICHOL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 199. Mr. Vickers offered the following amendment:

To change the words an annual on line 1 pg 3 to a temporary

The amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Chambers offered the following amendment:

Strike lines 26, 27 on page 2; lines 1, 2 on page 3
Insert: It shall be an affirmative defense if any person charged under this section shall show proof of purchase of a temporary permit to the court."

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 16:

Abboud	Beyer	Chambers	Clark	Eret
Hannibal	Jacobson	Johnson, V.	Kilgarin	Lamb

Landis	Morehead	Newell	Remmers	Vickers
Von Minden				

Voting in the negative, 19:

Cullan	Doyle	Fowler	Goll	Goodrich
Hefner	Higgins	Hoagland	Johnson, L.	Kahle
Labedz	Lundy	Pappas	Peterson, H.	Rupp
Sieck	Wagner	Warner	Wesely	

Present and not voting, 10:

Barrett	Beutler	Carsten	Chronister	DeCamp
Fenger	Marsh	Nichol	Pirsch	Schmit

Excused and not voting, 4:

Haberman	Johnson, R.	Peterson, R.	Wiitala

The Chambers amendment lost with 16 ayes, 19 nays, 10 present and not voting, and 4 excused and not voting.

Messrs. Carsten, Beyer, Barrett, Clark, Vickers, and Remmers asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 29 ayes, 3 nays, 7 present and not voting, and 10 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 32.

Introduced by DeCamp, 40th District; Chronister, 18th District.

WHEREAS, the Legislature recognizes the importance of labor organizations and labor unions in contracting with employers with respect to working conditions, wages, benefits and the duration and content of labor agreements, and

WHEREAS, the Legislature also recognizes the importance of having employees fairly and adequately represented by any labor organization or labor union of which they are a member and

WHEREAS, the Legislature also recognizes that changes in the national, state and local economy may affect the desire of members of labor organization to propose changes to contact provisions they have entered into with their employer, and

WHEREAS, the current condition existing with the Land O Lakes located in Schuyler, Nebraska suggest that arbitrary and possibly unreasonable actions, attitudes and union rules may be preventing the

will of the majority of the labor union members at the Land O Lakes plant from expressing their willingness to accept a changed contract or different employment conditions which would cause immediate reopening of the plant and the immediate reemployment of approximately 1,000 now unemployed workers, and

WHEREAS, the Legislature of the State of Nebraska is the representative of the people of Nebraska and has a vested interest in trying to effect a settlement of this unemployment situation and a return to productivity of the plant as soon as possible, and

WHEREAS, it is fit and proper for the Legislature to investigate and determine whether the existing laws of the State with respect to the rights of union members adequately protect the union members majority right to make decisions with respect to contracts which affect or will affect them, and

WHEREAS, conflicting information received in the Schuyler dispute suggests that if an absolute offer were available from the Land O Lakes plant to the union members and a vote by the Union members on the contract was possible that the union members might well vote to accept the proposed contract thereby causing the reopening of the plant.

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

1. That the Legislature's Business and Labor Committee immediately be authorized and directed to investigate all facts and circumstances surrounding the Schuyler plant closing.

2. That the Committee be authorized and directed to cooperate immediately with the Governor, the Land O Lakes representatives and the Union representatives in amicably bringing a settlement to the Schuyler situation and a reopening of the plant.

3. That the Business and Labor Committee be further authorized and directed to immediately determine if changes are needed in the State's labor laws as exemplified by the Schuyler situation. Be further resolved that Senator Harry Chronister, whose legislative district the plant is located, as well as Senator John DeCamp who has worked actively on this issue and has interest also located in Schuyler, be made voting members of the special committee set up and created to look into this matter. Be it further resolved that the committee issue a report with as much information and detail to the Legislature every seven days until the situation is resolved one way or another.

Laid over.

VISITORS

Visitors to the Chamber were Mrs. Grunkemeyer and Mrs. Shirley Costello from Burwell; 54 eighth grade students and teacher from the Cathedral of the Risen Christ School, Lincoln; Father Hrdlicka, 31

eighth grade students, and instructor from St. Marys School, David City; and 35 students and instructors from St. Patricks School, Lincoln.

ADJOURNMENT

At 12:12 p.m., on a motion by Mr. Hannibal, the Legislature adjourned until 9:00 a.m., Friday, February 25, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-THIRD DAY - FEBRUARY 25, 1983

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 25, 1983

Pursuant to adjournment, the Legislature met at 9:03 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Mel Tassler, Redeemer Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Barrett, Beutler, Chambers, Chronister, Cullan, Jacobson, R. Johnson, Landis, Schmit, Wagner, Wiitala, Mesdames Morehead, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 659, before **RESOLUTION** insert the following:

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 20, 36, 37, 30, 34, 81, 82, 83, 87, 104, 149, 195, 367, 401, and 413.
The Journal for the Thirty-Second Day was approved as corrected.

MESSAGES FROM THE GOVERNOR

February 24, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 10, 11E, 23, 88, 101, 138, 139E, 245 and 262E were received in my office on February 22, 1983.

These bills were signed by me on February 24, 1983 and delivered to the Secretary of State.

Sincerely,

(Signed) ROBERT KERREY
Governor

RK/jm

UNANIMOUS CONSENT - Print in Journal

Mr. Hannibal asked unanimous consent to print the following amendment to LB 249 in the Journal. No objections. So ordered.

On Page 4, line 5 change 7 to 6

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 24, 1983, at 2:47 p.m., were the following bills: 20, 36, 37, 30, 34, 81, 82, 83, 87, 104, 149, 195, 367, 401, and 413.

(Signed) Pamela Moravec, Enrolling Clerk

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 12. Indefinitely postponed.
LEGISLATIVE BILL 435. Indefinitely postponed.
LEGISLATIVE BILL 520. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

Public Works

LEGISLATIVE BILL 232. Placed on General File.
LEGISLATIVE BILL 244. Placed on General File.
LEGISLATIVE BILL 380. Placed on General File.
LEGISLATIVE BILL 406. Placed on General File.
LEGISLATIVE BILL 411. Placed on General File.

LEGISLATIVE BILL 206. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

GENERAL FILE

LEGISLATIVE BILL 303. Title read. Considered.

Mr. Newell offered the following amendment:
AM0392
1. On page 2, line 14; and page 6, line 9,
after "shall" insert "after the effective date of this

3 act".

The amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 196. Title read. Considered.

Standing Committee amendments, AM0075, found in the Journal on page 336 for the Sixteenth Day were adopted with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Mr. Carsten renewed his pending amendment found in the Journal on page 450.

The amendment was adopted with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

Mr. DeCamp moved to indefinitely postpone LB 196.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hoagland 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. DeCamp requested a record vote on his motion.

Mr. Newell moved for a Call of the House. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. Newell requested a roll call vote on the motion to indefinitely postpone.

Voting in the affirmative, 26:

Abboud	Barrett	Chambers	Chronister	Clark
DeCamp	Doyle	Eret	Fenger	Goll
Goodrich	Haberman	Jacobson	Johnson, L.	Johnson, R.
Kahle	Lamb	Nichol	Pappas	Peterson, H.
Peterson, R.	Remmers	Rupp	Schmit	Vickers
Von Minden				

Voting in the negative, 21:

Beutler	Beyer	Carsten	Cullan	Fowler
Hannibal	Hefner	Hoagland	Johnson, V.	Kilgarin
Labedz	Landis	Lundy	Marsh	Newell
Pirsch	Sieck	Wagner	Warner	Wesely
Wiitala				

Present and not voting, 1:

Higgins

Excused and not voting, 1:

Morehead

The DeCamp motion to indefinitely postpone prevailed with 26 ayes, 21 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

ANNOUNCEMENT

Mr. Barrett announced the Business and Labor Committee will meet in Executive Session on Monday, February 28, 1983 at 9:00 a.m. in Room 1010.

STANDING COMMITTEE REPORT
Education

The Education Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Gerald Koch - Board of Educational Lands and Funds

Duane Schmidt - Safety Center Advisory Council
Larry Morris - Safety Center Advisory Council
Rollin D. Schnieder - Safety Center Advisory Council
Jim Preston- Safety Center Advisory Council
John Ward - Safety Center Advisory Council
Charles Fairbanks - Safety Center Advisory Council

Voting aye on the appointments of all of the above: Senators Vickers, Eret, Goll, Hoagland, Lamb and Wiitala. Nay: None. Absent: Senators Cullan and Fowler.

(Signed) Tom Vickers, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. DeCamp and Goodrich asked unanimous consent to print the following amendment to LB 241 in the Journal. No objections. So ordered.

AM0443

1. On page 2, line 24, strike "The" and insert "If the" and after "institution" insert "is a bank, it"; and in line 27 after "Acquisitions" insert "by any financial institution".

2. On page 3, line 6, after "application" insert "by a bank holding company".

3. In the Standing Committee Amendments on page 1, in lines 8 and 10 strike "depository".

Mr. Cullan asked unanimous consent to print the following amendment to LB 284 in the Journal. No objections. So ordered.

AM0448

1. On page 2, line 3, before the comma insert "and section 2 of this act".

2. On page 4, in lines 3 through 6, reinstate the stricken matter and strike the new matter; in line 7 strike "one and fifty hundredths", show as stricken, and insert "two"; and in line 9 strike "one and seventy-five", show as stricken, and insert "two and twenty-five".

3. Strike original sections 2, 3, and 5 and insert the following new section:

"Sec. 2. No later than January 1, 1987, each technical community college, technical community college area, technical community college area board, and technical community college campus shall include as part of its name either of the words technical or vocational.".

4. Renumber original section 4 as section 3.

Mrs. Higgins asked unanimous consent to print the following amendment to LB 126 in the Journal. No objections. So ordered.

AM0425

1. Strike E & R amendment 1.

2. On page 3, strike lines 12 and 13.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 44, 62, 62A, 107, 110, 135, 145, 185, 238, 298, 301, 383, 421, and 439.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 110

ER0014

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 4, "misdemeanor" has been stricken and after the semicolon "to change provisions relating to discovery of statements;" has been inserted.

Enrollment and Review Change to LB 185

ER0013

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 3, "eliminate a" has been stricken and "change provisions relating to" has been inserted.

(Signed) Tristi J. Wilson
E & R Attorney

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 24, 1983. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Binning, John H. - South Sioux City, Great West Casualty Company
Boham, Ruth A. - Lincoln, Associated Students of the University of Nebraska
Childe, James H. - Lincoln, Nebraska Industrial Developers Association
Colladay, Martin G. - Omaha, ConAgra, Inc.
Cummins, Carl W., III - Minneapolis, MN, Minnegasco, Inc.
Erickson, Sederstrom, Leigh, Eisenstatt, Johnson, Kinnamon, Koukol & Fortune, PC:
Thone, Charles - Lincoln, Small Property Owners Association
Graves, Eugene J., Jr. - Omaha, Metropolitan Omaha Builders Association

Holdt, Leland L. S. - Lincoln, Security Mutual Life Insurance Company of Lincoln, Nebraska
Knudsen, Berkheimer, Richardson and Endacott:
Ruth, Larry L. - Lincoln, Nebraska Association of Cooperative Credit Associations
MacDowell, L. J. - Lincoln, Nebraska Rural Community Schools Association
Sandman, Roger - Lincoln, The Tobacco Institute
Sturner, Peter C. - Lincoln, Southwest Rural Firefighters

RESOLUTION

LEGISLATIVE RESOLUTION 33.

Introduced by Vickers, 38th District; Wiitala, 31st District.

WHEREAS, H. Vaughn Phelps served as superintendent of District 66 for twenty-four years until his death on February 24, 1983; and

WHEREAS, District 66 was widely regarded as having one of the best academic programs of any public school system in the country; and

WHEREAS, he was known for dedicating his life and energy to improving education and helped maintain staff morale during a recent period when two schools were scheduled to be closed and people were laid off; and

WHEREAS, a partial listing of his contributions to education includes his service as president of the American Association of School Administrators, the Suburban School Superintendents Association, and the Nebraska Association of School Administrators.

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

1. That the Legislature extends its sympathy to the family of H. Vaughn Phelps.

2. That the Legislature acknowledges the many contributions H. Vaughn Phelps has made to the students and teachers he has worked with.

3. That a copy of this resolution be presented to the family of H. Vaughn Phelps.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 179. Title read. Considered.

Standing Committee amendments, AM0164, found in the Journal on page 409 for the Twenty-First Day were adopted with 25 ayes, 0 nays, 23

present and not voting, and 1 excused and not voting.

Messrs. Schmit and Nichol asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Vickers offered the following amendment:

On pg. 2 Line 17 after state insert: "except for trains of under 1000 feet"

Mr. Vickers moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The Vickers amendment was adopted with 26 ayes, 14 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 15 nays, and 18 not voting.

Mr. DeCamp requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Beutler	Beyer	Chambers	Cullan	DeCamp
Doyle	Eret	Fenger	Fowler	Haberman
Higgins	Hoagland	Johnson, V.	Kilgarin	Labedz
Landis	Marsh	Morehead	Newell	Pappas
Rupp	Sieck	Vickers	Wagner	Wesely
Wiitala				

Voting in the negative, 16:

Abboud	Barrett	Chronister	Clark	Goll
Hannibal	Hefner	Jacobson	Johnson, L.	Lamb
Nichol	Peterson, H.	Peterson, R.	Remmers	Von Minden
Warner				

Present and not voting, 6:

Carsten	Goodrich	Johnson, R.	Kahle	Lundy
Pirsch				

Excused and not voting, 1:

Schmit

Advanced to E & R for Review with 26 ayes, 16 nays, 6 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 466 in the Journal. No objections. So ordered.

AM0445
1. In the Standing Committee amendments found on page 428 of the Journal, on page 1, strike beginning with "line" in line 1 through "in" in line 2 and after "24" insert a comma; and strike beginning with the semicolon in line 3 through the quotation marks in line 7.

SELECT COMMITTEE REPORT
Rules

Senator Hoagland, Chairman of Rules Committee, reported that the Committee recommends that Rule 6, new Section 2, found in the Journal on page 559, be advanced to General File.

Voting yes: Senators Higgins, Hoagland, Jacobson and Johnson. Absent: Senator Beutler

(Signed) Peter Hoagland, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. L. Johnson asked unanimous consent to have his name added as co-introducer to LR 32. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 34.

Introduced by Barrett, 39th District; Clark, 47th District; Remmers, 1st District; Lundy, 36th District; Kahle, 37th District; Warner, 25th District; Lamb, 43rd District; R. Johnson, 34th District; H. Peterson, 35th District; L. Johnson, 15th District; R. Peterson, 21st District; Chronister, 18th District; Hannibal, 4th District; Hefner, 19th District; Von Minden, 17th District.

WHEREAS, Nebraska's railroad system is vital for the transportation of agricultural, fuel and other commodities throughout Nebraska; and

WHEREAS, due to our state's strategic geographical location,

Nebraska's railroad system is an important transportation link for interstate commerce throughout the United States; and

WHEREAS, it is in the interest of the citizens of Nebraska for our state railroad system to be safe and efficient and in compliance with all state and federal standards, regulations, and agreements pertaining to the safe and efficient operations of interstate rail systems; and

WHEREAS, the National Carriers' Conference Committee and the United Transportation Union signed a National Agreement on October 15, 1982, which contained the recommendations of Emergency Board Number 195 established by President Ronald Reagan on July 21, 1982, through Executive Order Number 12373, pursuant to Section 10 of the Railroad Labor Act; and

WHEREAS, this National Agreement includes provisions for the safe and orderly removal of certain cabooses in accordance with specific procedures and guidelines as agreed upon on an individual railroad basis by the railroads and their employee representatives who are most intimately acquainted with the complexities of individual situations; and

WHEREAS, the Nebraska Legislature in 1981 and 1982 considered LB 230, which would have statutorily required manned cabooses on trains operating in this state and, is presently considering a similar measure with LB 179; and

WHEREAS, Nebraska is lacking specific and factual information on present conditions and on the possible effects of its citizens of either Article X of the aforementioned National Agreement and the mandatory provisions of LB 179, should it be enacted into law.

NOW, THEREFORE, BE IT RESOLVED by the members of the Nebraska Legislature, 88th Legislative Session:

1. That the Legislature acknowledges the need to study the full impact of LB 179 on Nebraska's economy as it relates to the railway industry and its many-faceted effects on the state's economy.

2. That the Legislature's Public Works Committee shall examine the following issues during the 1983 interim:

a. The past and present need for occupied cabooses within Nebraska;

b. The possible effects on the citizens of Nebraska if certain cabooses are removed in accordance with the procedures and guidelines provided for in Article X of the aforementioned National Agreement; and

c. The possible effects on the citizens of Nebraska if the Legislature adopts legislation requiring the use of occupied cabooses on all trains in the state.

3. That the Public Works Committee enlist the assistance of the Nebraska Public Service Commission, other appropriate state and federal agencies, and representatives from the railroad industry, including employee representatives, in gathering factual information pertaining to this study.

4. That the Public Works Committee submit their findings and

recommendations to the Legislature's Executive Board by November 1, 1983.

Laid over.

STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE BILL 200. Placed on General File.

(Signed) Rex Haberman, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 70A. Placed on Select File.

LEGISLATIVE BILL 199. Placed on Select File as amended.
E & R amendment to LB 199:
AM5036

1. On page 1, line 1, after "amend" insert "section 37-1109, Reissue Revised Statutes of Nebraska, 1943, and"; and in line 3 after the second semicolon insert "to provide when permits are required;".

2. In lieu of Standing Committee amendment 3, on page 3, line 5, after "original" insert "section 37-1109, Reissue Revised Statutes of Nebraska, 1943, and".

(Signed) Rod Johnson, Chairperson

MOTION - Introduce New Bills

Mr. Warner moved for the introduction of new bills pursuant to Rule 5, Section 4(c)2, Requests 935, 948, 949, 950, 951, 952, 953, 954.

The motion prevailed with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 611. By Performance Review and Audit Committee: Warner, 25th District, Chairperson; L. Johnson, 15th District; Kilgarin, 7th District; Wagner, 41st District; Goodrich, 20th District; H. Peterson, 35th District; Kahle, 37th District.

A BILL FOR AN ACT to amend section 68-1019, Reissue Revised Statutes of Nebraska, 1943, relating to public assistance; to change provisions relating to medical assistance as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 612. By Performance Review and Audit Committee: Warner, 25th District, Chairperson; L. Johnson, 15th District; Marsh, 29th District; Kilgarin, 7th District; Morehead, 30th District; Wagner, 41st District; Goodrich, 20th District; H. Peterson, 35th District.

A BILL FOR AN ACT relating to audits; to amend sections 2-3223, 14-1034, 14-1035, 14-1036, 14-1722, 19-2903, 19-2906, 23-252, 23-1608, 31-715, 46-585, 70-623, 79-2210.04, 79-2644, and 84-304, Reissue Revised Statutes of Nebraska, 1943, to authorize certain public bodies to contract for audits; to change the duties of the Auditor of Public Accounts; to redefine a penalty; and to repeal the original sections.

LEGISLATIVE BILL 613. By Performance Review and Audit Committee: Warner, 25th District, Chairperson; L. Johnson, 15th District; Marsh, 29th District; Kilgarin, 7th District; Morehead, 30th District; Kahle, 37th District; Wagner, 41st District; H. Peterson, 35th District.

A BILL FOR AN ACT to amend sections 43-645 and 43-648, Reissue Revised Statutes of Nebraska, 1943, relating to special education; to redefine certain terms to include transportation costs; to provide for reimbursement of certain costs; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 614. By Performance Review and Audit Committee: Warner, 25th District, Chairperson; L. Johnson, 15th District; Marsh, 29th District; Kilgarin, 7th District; Morehead, 30th District; Kahle, 37th District; Goodrich, 20th District; Wagner, 41st District; H. Peterson, 35th District.

A BILL FOR AN ACT relating to costs of care for juveniles; to amend section 43-290, Revised Statutes Supplement, 1982; to provide for payment of such costs to the Department of Public Welfare and the Department of Correctional Services; to provide procedures; and to repeal the original section.

LEGISLATIVE BILL 615. By Performance Review and Audit Committee: Warner, 25th District, Chairperson; L. Johnson, 15th District; Marsh, 29th District; Kilgarin, 7th District; Morehead, 30th District; Kahle, 37th District; Wagner, 41st District; H. Peterson, 35th District.

A BILL FOR AN ACT to amend section 48-523, Reissue Revised Statutes of Nebraska, 1943, relating to labor; to change provisions relating to the refund of fees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 616. By Performance Review and Audit Committee: Warner, 25th District, Chairperson; L. Johnson, 15th District; Marsh, 29th District; Kilgarin, 7th District; Morehead, 30th District; Kahle, 37th District; Goodrich, 20th District; H. Peterson, 35th District.

A BILL FOR AN ACT to amend section 79-1103.05, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change a provision relating to certain tuition payments as prescribed; and to repeal the original section.

LEGISLATIVE BILL 617. By Appropriations Committee: Warner, 25th District, Chairperson; L. Johnson, 15th District; Marsh, 29th District; Kilgarin, 7th District; Kahle, 37th District; Goodrich, 20th District; Wagner, 41st District; H. Peterson, 35th District.

A BILL FOR AN ACT relating to fees; to amend sections 42-123, 54-820.01, 54-827, 54-1165, 54-1704, 71-604.01, 71-612, 71-623, 71-627, 71-628, 71-634, 71-1116, 71-1559, 71-1903, 71-2619, 71-2622, 71-4305, 71-4604.01, 71-4613, 71-4624, 81-2,174, 81-2,177.01, and 89-187, Reissue Revised Statutes of Nebraska, 1943, and section 54-1904, Revised Statutes Supplement, 1982; to provide for fees; to change provisions relating to fees; to harmonize provisions; to create a fund; and to repeal the original sections.

LEGISLATIVE BILL 618. By Appropriations Committee: Warner, 25th District, Chairperson; L. Johnson, 15th District; Kilgarin, 7th District; Morehead, 30th District; Wagner, 41st District; H. Peterson, 35th District.

A BILL FOR AN ACT relating to state programs and services; to amend sections 2-952, 2-961, 43-643, 54-715, 54-1332, 71-4613, 71-5633, 79-4,165, 79-1334, 79-1336, 80-301, 80-304, 85-505, and 85-1003 to 85-1005, Reissue Revised Statutes of Nebraska, 1943, and sections 2-953, 2-954, 2-960, 2-3914, 2-3917, 2-3925, 2-3930, 2-3940, 2-3941, 2-3945, 2-3946, 23-362, 43-646.02, 68-720, and 79-445, Revised Statutes Supplement, 1982; to eliminate state participation in noxious weed control programs and milk manufacturing requirements as prescribed; to change a provision relating to the support of Indians; to change provisions relating to special education salaries; to continue the limitation on vendor payments by the Department of Welfare; to change a provision relating to mobile homes as prescribed; to change an interest rate on certain loans as prescribed; to change a provision

relating to nonresident tuition; to change provisions relating to wards of the court as prescribed; to provide the Director of Public Institutions with additional powers; to change tuition credit for National Guard members as prescribed; to transfer control of the Nebraska Safety Center; to eliminate a state fair premium; to eliminate state reimbursement for destruction of livestock; to eliminate predator control by the state; to eliminate certain student personnel services; to eliminate certain provisions relating to mobile homes; to eliminate bedding services; to harmonize provisions; to repeal the original sections, and also sections 2-2901 to 2-2908, 54-726, 54-726.02, 54-749, 54-1502, 54-1506, 71-507 to 71-515, 71-4601 to 71-4612, 71-4614 to 71-4620, and 79-321.02 to 79-321.04, Reissue Revised Statutes of Nebraska, 1943, and sections 2-103, 2-3938, 2-3939, and 2-3942 to 2-3945, Revised Statutes Supplement, 1982; and to declare an emergency.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 53, 70, 72, 75, 98, 208, 382, 417, 522, and 542.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 129. Title read. Considered.

Standing Committee amendments, AM0175, found in the Journal on page 416 for the Twenty-First Day were adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Mr. Newell offered the following amendment:
AM0447

1. Insert the following new section:

"Sec. 2. In any county having a population of fifty thousand inhabitants or more, the qualified electors of such county may petition to place an issue on the ballot at the next general election by presenting to the county board, at least sixty days before the next general election, a petition signed by at least seven

per cent of the qualified electors of such county as determined by the total vote cast for Governor at the most recent gubernatorial election in the county.".

2. On page 4, line 18, strike "This" and insert "Section 1 of this"; and in line 19, after "1985" insert "and section 2 of this act shall become operative on its effective date".

3. Renumber original sections 2 and 3 as sections 3 and 4 respectively.

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

Mr. Carsten asked unanimous consent to be excused. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Government, Military & Veterans Affairs

Governor's Appointments, Thursday, March 3, 1983 1:30 p.m.
Clifton A. Sexton, Jr. - Director, Department of Administrative Services
John Auer - Director, Department of Aeronautics
Wallace M. Barnett - State Fire Marshal

(Signed) David Landis, Chairperson

VISITORS

Visitors to the Chamber were Barry Sherman from Kearney; 35 seventh grade students and teacher from Sacred Heart School, Norfolk; Roger Jasnoch from North Platte; 40 students and teachers from Zeman School, Lincoln; 24 first and second grade students and teacher from Farnam; Vicky Smith from Imperial; Mr. and Mrs. Tom Downey from Merna; and Paul Ott and his daughter, Mary, from Orleans.

ADJOURNMENT

At 12:01 p.m., on a motion by Mr. Kahle, the Legislature adjourned until 10:00 a.m., Monday, February 28, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FOURTH DAY - FEBRUARY 28, 1983

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 28, 1983

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Nichol presiding.

PRAYER

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

ROLL CALL

The roll was called and all members were present except Messrs. Barrett, Beutler, Chambers, Doyle, Fowler, V. Johnson, Warner, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Third Day was approved.

MESSAGES FROM THE GOVERNOR

February 25, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 21 and 248 were received in my office on February 23, 1983.

These bills were signed by me on February 25, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

February 26, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 111 was received in my office on February 22, 1983.

This bill was signed by me on February 26, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/AEC

MOTION - Withdraw LB 187

Mr. Wagner moved to withdraw LB 187.

Laid over.

MOTION - Suspend Rules

Mr. DeCamp renewed his pending motion found in the Journal on page 646 to suspend the rules, Rule 5, Section 4(c) to permit the introduction of a new bill, Req 960.

The motion prevailed with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 619. By DeCamp, 40th District; Carsten, 2nd District.

A BILL FOR AN ACT to amend section 77-2734, Revised Statutes Supplement, 1982, relating to revenue and taxation; to change provisions relating to the franchise tax as prescribed; to provide an operative date; and to repeal the original section.

MOTION - Suspend Rules

Mr. R. Peterson moved to suspend the rules, Rule 5, Section 4(c) to permit the introduction of a new bill, Req 958.

The motion prevailed with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 620. By R. Peterson, 21st District.

A BILL FOR AN ACT to amend Laws 1969, LB 1389, section 2, relating to public lands; to change a provision relating to the use of certain land; and to repeal the original section.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 585. Placed on General File as amended.
Standing Committee amendments to LB 585:
AM0440

1. On page 2, lines 14 and 23; page 4, lines 16 and 25; and page 5, line 27, after "public" insert "or private".

2. On page 2, line 15, strike "graduation or" and after "of" insert "a teaching certificate which includes"; and strike beginning with "pursuant" in line 16 through "program" in line 17.

3. On page 3, line 19, after "district" insert "or the governing board of a private school".

4. On page 5, line 6, strike the comma; and in line 18 after "science" insert a comma.

5. On page 6, line 10, after "indebtedness" insert a comma; and in line 15 strike "cancelled" and insert "canceled".

6. On page 7, line 6, strike "the student" and insert "he or she"; and strike beginning with "completion" in line 9 through the first "teaching" in line 11 and insert "acquisition of a teaching certificate which includes the required endorsements to teach mathematics or science".

(Signed) Tom Vickers, Chairperson

MOTION - Suspend Rules

Miss Kilgarin moved to suspend the rules, Rule 7, Section 7(d) to permit the request of the return of LB 15.

Miss Kilgarin moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The motion to suspend the rules prevailed with 30 ayes, 14 nays, 4 present and not voting, and 1 excused and not voting.

MOTION - Return LB 15 from Governor

Miss Kilgarin moved to direct the Clerk to request the Governor to return LB 15 to the Legislature for further consideration.

Miss Kilgarin asked unanimous consent to withdraw her pending motion. No objections. So ordered.

The Chair declared the Call raised.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 133. Placed on General File.

LEGISLATIVE BILL 214. Placed on General File as amended.
Standing Committee amendments to LB 214:
AM0467
1. Strike original sections 2 and 3.
2. On page 8, line 11, strike the new matter, reinstate the stricken matter, and before the semicolon insert "with a population of more than one hundred thousand inhabitants"; and in line 24 strike "sections 49-1488 and" and insert "section".
3. Renumber remaining sections accordingly.

(Signed) Elroy M. Hefner, Chairperson

Judiciary

LEGISLATIVE BILL 269. Placed on General File.

LEGISLATIVE BILL 283. Placed on General File as amended.
Standing Committee amendment to LB 283:
AM0468
1. On page 2, line 10, strike "An adopted person" and insert "Any person adopted after the

effective date of this act"; in line 11 strike "majority as provided in section 38-101" and insert "twenty-five years"; and in line 12 after "all" insert "court".

(Signed) Chris Beutler, Chairperson

ANNOUNCEMENT

Mr. Hefner announced the following gubernatorial appointment was referred to the Miscellaneous Subjects Committee. The Committee has received notice that the individual has resigned. Therefore, the Committee will not schedule or hold a public hearing on her appointment, nor make any recommendation regarding it.

Gloria Dinsdale, Nebraska Arts Council

STANDING COMMITTEE REPORT
Miscellaneous Subjects

Your Committee on Miscellaneous Subjects whose Chairperson is Senator Hefner to whom was referred the following gubernatorial appointment, reports the same back to the Legislature with the recommendation that the appointment be approved by the Legislature. The Committee suggests a record vote.

Miles Johnston, Jr. - Nebraska Accountability and Disclosure Commission

Senator Newell moved to approve the appointment, seconded by Senator Hannibal. Voting yes: Senators Hannibal, Hefner, V. Johnson, Lundy, Newell, and Von Minden. Voting no: None. Not voting: Senator Fenger. Absent: Senator Barrett.

(Signed) Elroy Hefner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Hefner and Von Minden asked unanimous consent to print the following amendment to LB 365 in the Journal. No objections. So ordered.

AM0491

1. On page 3, line 22, strike "shall" and insert "may out of or in addition to the amount deducted under such subdivision"; and in line 27 strike "At race".

2. On page 4, strike lines 1 through 8.

3. Strike Standing Committee amendment 2.

RESOLUTION

LEGISLATIVE RESOLUTION 31. Read. Considered.

Mr. DeCamp requested a record vote.

Voting in the affirmative, 28:

Chambers	Chronister	DeCamp	Doyle	Eret
Fowler	Goll	Goodrich	Haberman	Hannibal
Higgins	Hoagland	Kahle	Kilgarin	Labedz
Landis	Lundy	Marsh	Morehead	Newell
Pappas	Rupp	Schmit	Vickers	Wagner
Warner	Wesely	Wiitala		

Voting in the negative, 10:

Beyer	Carsten	Clark	Hefner	Jacobson
Lamb	Peterson, H.	Peterson, R.	Remmers	Von Minden

Present and not voting, 10:

Abboud	Barrett	Beutler	Cullan	Fenger
Johnson, L.	Johnson, R.	Nichol	Pirsch	Sieck

Excused and not voting, 1:

Johnson, V.

LR 31 was adopted with 28 ayes, 10 nays, 10 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Remmers asked unanimous consent to print the following amendment to LB 429 in the Journal. No objections. So ordered.

AM0438

1. Insert the following new sections:

"Sec. 4. That section 76-1818, Revised Statutes Supplement, 1982, be amended to read as follows:

76-1818. The fund shall have the following duties:

(1) To invest any funds not needed for immediate disbursement, including any funds held in reserve, in direct and general obligations of or obligations fully and unconditionally guaranteed by the

United States, obligations issued by agencies of the United States, any obligations of the United States or agencies thereof, obligations of this state, or any obligations or securities which may from time to time be legally purchased by governmental subdivisions of this state pursuant to section 77-2341, except that any funds pledged to secure a bond issue shall be invested in the manner permitted by the indenture securing such bonds;

(2) To collect fees and charges, as the fund determines to be reasonable, in connection with its loans, advances, insurance, commitments, and servicing;

(3) To cooperate with and exchange services, personnel, and information with any federal, state, or local governmental agency;

(4) To sell, at public or private sale, with or without public bidding, any mortgage or other obligation held by the fund;

(5) To do any act necessary or convenient to the exercise of the powers granted by sections 76-1801 to 76-1841 or reasonably implied from it; and

(6) Prior to financing a project, to make specific findings including but not limited to (a) with respect to a project as defined in subdivision (6)(a) of section 76-1804, the project's effect on the economic base, the tax base, tax revenue, and employment opportunities and (b) with respect to a project as defined in subdivision (6)(b) of section 76-1804, the project's effect on the provision, including the continued provision, of health care and related services.

Sec. 5. That section 76-1825, Revised Statutes Supplement, 1982, be amended to read as follows:

76-1825. The bonds shall be authorized by a resolution of the fund, shall bear such date or dates, and shall mature at such time or times as such resolution may provide, except that no bond shall mature more than ~~thirty~~ fifty years from the date of its issue, as the resolution shall provide. The bonds shall bear interest at such rate or rates, including variations of such rates, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, including redemption prior to maturity, as such resolution may provide. The provisions of section 10-126 shall not apply to bonds issued by the fund. Bonds of the fund

may be sold by the fund at a public or private sale and at such price or prices as the fund shall determine.".

2. On page 3, line 11, strike "the" and insert "this"; and in line 13 after "thereof" insert "at rates they can afford".

3. On page 4, line 7, after "health" insert "care and related"; in line 16 strike "is", show as stricken, and insert "and the provision of health care at affordable prices are"; in line 17 strike "a matter", show as stricken, and insert "matters"; and in line 24 after "base" insert "and in order that adequate health care services be provided to all residents of this state".

4. On page 5, line 2, after "state" insert "and provision of adequate health care".

5. On page 6, line 1, after "financing" insert ", which shall include without limitation refinancing,"; and in line 14 after the period insert "The financing agreement shall contain provisions with respect to the acquisition, construction, reconstruction, rehabilitation, improvement, or refinancing of a project.".

6. On page 8, line 4, strike the colon and insert "."; strike lines 5 through 19 and insert "any land, building, or other improvement and all real or personal property, including furniture and equipment, and any undivided or other interest in any such property, whether or not in existence, suitable or used for or in connection with any hospital, nursing home, clinic, intermediate care facility, or other similar health care or health care related facility, and any facilities related and subordinate thereto.".

7. Renumber the remaining sections accordingly.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 343 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - AM0361.)

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 305. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 35.

Introduced by Vickers, 38th District.

WHEREAS, there are twenty-two thousand teachers in the State of Nebraska; and

WHEREAS, teachers at the elementary, secondary, and postsecondary levels strive continually to instill in our youth educational principles and practicalities that will serve our children throughout their lives; and

WHEREAS, teachers in Nebraska play an ever important and increasing role in shaping the moral fiber of Nebraska's youth; and

WHEREAS, we, as citizens of Nebraska, wish to express our gratitude to all the dedicated teachers in this state.

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

1. That the week of February 28 to March 5 is hereby declared as Teacher Recognition Week.

2. That the Legislature encourages all citizens in the state to recognize Teacher Recognition Week and urges all citizens to give their thanks, encouragement, and support to our teachers during this week and throughout the year.

Laid over.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 29.

A BILL FOR AN ACT to amend section 72-215, Reissue Revised Statutes of Nebraska, 1943, relating to public lands; to change provisions relating to school land acquisition; and to repeal the original section.

Whereupon the 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Eret	Fenger	Fowler	Goll

Goodrich	Haberman	Hannibal	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Wiitala		

Voting in the negative, 0.

Excused and not voting, 1:

Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 71. With Emergency.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-903, 17-1001, 19-901, 19-904, 19-916, 19-918, 19-919, and 79-4,151, Reissue Revised Statutes of Nebraska, 1943, and sections 16-902, 17-1002, 18-1306, 18-2101.01, and 23-1506, Revised Statutes Supplement, 1982; to state legislative findings; to modify planning and zoning provisions; to provide for a designated agent; to change provisions relating to community development agencies; 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, 45:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Cullan	DeCamp	Doyle	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Johnson, L.
Johnson, R.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Marsh	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Wiitala

Voting in the negative, 2:

Clark	Jacobson

Present and not voting, 1:

Beutler

Excused and not voting, 1:

Johnson, V.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 50. With Emergency.

A BILL FOR AN ACT to amend section 39-6,131, Revised Statutes Supplement, 1982, relating to rules of the road; to allow the use or sale of tires with certain studs or spikes; to harmonize provisions; to repeal the original section, and also sections 39-6,131.01 to 39-6,131.07, Revised Statutes Supplement, 1982; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 32:

Abboud	Beyer	Carsten	Chronister	Clark
Cullan	DeCamp	Doyle	Eret	Fenger
Fowler	Goll	Goodrich	Haberman	Hefner
Higgins	Jacobson	Johnson, L.	Kilgarin	Labedz
Morehead	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Vickers	Wagner			

Voting in the negative, 16:

Barrett	Beutler	Chambers	Hannibal	Hoagland
Johnson, R.	Kahle	Lamb	Landis	Lundy
Marsh	Newell	Von Minden	Warner	Wesely
Wiitala				

Excused and not voting, 1:

Johnson, V.

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency

clause stricken?"

Voting in the affirmative, 32:

Abboud	Beyer	Carsten	Chronister	Clark
Cullan	DeCamp	Doyle	Eret	Fenger
Fowler	Goll	Goodrich	Haberman	Hefner
Higgins	Jacobson	Johnson, L.	Kilgarin	Labedz
Morehead	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Vickers	Wagner			

Voting in the negative, 15:

Barrett	Beutler	Chambers	Hannibal	Hoagland
Johnson, R.	Kahle	Lamb	Landis	Lundy
Newell	Von Minden	Warner	Wesely	Wiitala

Present and not voting, 1:

Marsh

Excused and not voting, 1:

Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 191.

A BILL FOR AN ACT to amend sections 31-409 and 31-441, Reissue Revised Statutes of Nebraska, 1943, relating to certain drainage districts; to authorize an alternative procedure for election of board members; to provide duties; to harmonize provisions; to repeal the original sections, and also section 31-428, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hannibal	Hefner	Higgins

Hoagland	Jacobson	Johnson, L.	Johnson, R.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Wiitala		

Voting in the negative, 0.

Excused and not voting, 1:

Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Reconsider Action on LB 50

Mr. DeCamp moved to reconsider the passage of LB 50 on Final Reading with the emergency clause attached.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

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

Voting in the affirmative, 33:

Abboud	Beutler	Beyer	Carsten	Chronister
Clark	Cullan	DeCamp	Doyle	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hefner	Higgins	Jacobson	Johnson, L.	Kilgarin
Labedz	Morehead	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Wagner	Wiitala		

Voting in the negative, 15:

Barrett	Chambers	Hannibal	Hoagland	Johnson, R.
Kahle	Lamb	Landis	Lundy	Marsh
Newell	Vickers	Von Minden	Warner	Wesely

Excused and not voting, 1:

Johnson, V.

The motion to reconsider action prevailed with 33 ayes, 15 nays, and 1 excused and not voting.

LB 50 was laid over.

SELECT FILE

LEGISLATIVE BILL 33A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 439A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 24. Advanced to E & R for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 36.

Introduced by Carsten, 2nd District.

WHEREAS, The U. S. Supreme Court has recently declared unconstitutional the State of Tennessee's tax on the net earnings of banks in Memphis State Bank & Trust Company v. Garner; and

WHEREAS, there are similarities between portions of the State of Tennessee's bank tax and portions of the State of Nebraska's corporate income and franchise tax; and

WHEREAS, there currently are legal questions being raised about the constitutionality of Nebraska's corporate income and franchise tax; and

WHEREAS, some taxpayers have begun to file claims for refunds for Nebraska taxes based on the U. S. Supreme Court decision in the Tennessee case; and

WHEREAS, the possibilities are raised that a large number of refunds may eventually be required to be allowed and, in addition, the state will experience a continuing revenue loss in the future; and

WHEREAS, Nebraska revenue officials and the Nebraska Legislature need to have an immediate court determination on whether Nebraska's law is constitutionally defective in order to be able to timely remedy any problems and prevent any potential crises from worsening.

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

1. That the Legislature requests that the Attorney General of the State of Nebraska cause to be brought an appropriate legal action for the purpose of determining the validity of Nebraska's corporate income and franchise tax in light of the U. S. Supreme Court decision in the Tennessee case;

2. That such action be brought as soon as possible and in such a manner so that a determination of the issues involved will be available as soon as possible.

Laid over.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 500A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 500, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 158A. By Wiitala, 31st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 158, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 542A. By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 542, Eighty-eighth Legislature, First Session, 1983.

ANNOUNCEMENT

Mr. Fowler announced the Nebraska Retirement Systems Committee will meet in Executive Session on Friday, March 4, 1983 at 12:00 Noon.

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

Governor's Appointment, March 1, 1983 (Cancel) 1:30 p.m.
Donald N. Dworak, Director of the Department of Economic Development

(Signed) John W. DeCamp, Chairperson

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 438. Placed on General File.

LEGISLATIVE BILL 362. Placed on General File as amended.
Standing Committee amendments to LB 362:
AM0492

1. On page 2, line 6, strike "or"; in line 7, after "subdivisions" insert ", or state or federal agencies"; and in line 9, strike "utility".
2. Insert the following new section:
"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 572. Indefinitely postponed.

(Signed) Dave Newell, Chairperson

Public Health and Welfare

LEGISLATIVE BILL 400. Placed on General File.

LEGISLATIVE BILL 476. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - AM0482.)

LEGISLATIVE BILL 436. Indefinitely postponed.
LEGISLATIVE BILL 449. Indefinitely postponed.

(Signed) George Fenger, Chairperson

Agriculture and Environment

LEGISLATIVE BILL 579. Placed on General File.

(Signed) Rex Haberman, Chairperson

Business and Labor

The Business and Labor Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Ronald E. Sorensen - Commissioner, Nebraska Department of Labor

VOTE: For: Senators Barrett, Eret, Fowler, Goll, Labedz, R. Peterson, Wiitala. Against: None. Absent: None.

(Signed) Bill Barrett, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 338 in the Journal. No objections. So ordered.

AM0474
1. On page 2, line 27, after "land" insert "or a lease with an option to purchase agreement".

Mr. Wesely asked unanimous consent to print the following amendment to LB 208 in the Journal. No objections. So ordered.

AM0483

(Amendments to Final Reading Copy)

1. On page 1, strike beginning with "increase" in line 3 through "attorney" in line 4 and insert "change fee provisions as prescribed".

2. On page 3, line 22, strike beginning with "and" through "each", show the old matter as stricken, and insert "of a"; strike beginning with "unless" in line 23 through the comma in line 24 and show as stricken; in line 26 after the period insert "The person issuing such check or order shall be assessed a fee of seven dollars for each notice mailed to such person, unless waived by the county attorney."; and in line 27 strike "payment", show as stricken, and insert "fee".

3. On page 4, line 5, after "funds" insert an underscored period; in line 6 strike beginning with "and" through the period and show as stricken; and strike beginning with "and" in line 12 through "paid" in line 13 and show as stricken.

Mr. Schmit asked unanimous consent to print the following amendment to LB 252 in the Journal. No objections. So ordered.

AM0486

1. Strike original section 1 and insert the following new sections:

"Section 1. That section 8-116, Revised Statutes Supplement, 1982, be amended to read as follows:

8-116. (1) 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 cities, 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~~ (2) Notwithstanding subsection (1) of this section, 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. Also notwithstanding subsection (1) of this section, the amount of paid-up capital stock, surplus, and paid-in undivided profits required of an applicant which has agreed to acquire substantially all of the assets and liabilities of a cooperative credit association shall not exceed five hundred thousand dollars. For purposes of this section, population shall be determined by the most recent federal decennial census.

Sec. 5. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

2. On page 4, line 7, after "department" insert "in accordance with section 8-116"; in line 18, after "association" insert "having more than one hundred members; strike beginning with"a" in line 18 through "and" in line 19:

3. On page 6, line 6, strike the first "(3)" and insert "(4)"; in line 7 strike "a bank" and insert "an applicant"; in line 9 after "which" insert "(a) has been unable to comply with subsection (1) of this section because the Federal Deposit Insurance Corporation has determined that the paid-up capital stock, surplus, or paid-in undivided profits of the applicant, as approved by the department in accordance with section 8-116, are inadequate, and (b)"; in line 11 strike the new matter and reinstate the old matter; and rearrange subsections (3) and (4) accordingly.

4. Renumber original section 5 as section 6.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 215 in the Journal. No objections. So ordered.

AM0439

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. As used in this act, unless the context otherwise requires:

(1) Real estate shall mean and include condominiums and leaseholds, as well as any other interest or estate in land, whether corporeal, incorporeal, freehold, or nonfreehold, and whether the real estate is situated in this state or elsewhere;

(2) Broker shall mean any person, partnership, firm, or corporation who for a fee, commission, or any other valuable consideration, or with the intent or expectation of receiving the same from another, negotiates or attempts to negotiate the listing, sale, purchase, exchange, rent, or lease or option for any real estate or improvements thereon, or assists in procuring prospects or holds himself or herself out as a referral agent for the purpose of securing prospects for the listing, sale, purchase, exchange, renting, leasing, or optioning of any real estate or collects rents or attempts to collect rents, or holds himself or herself out as engaged in any of the foregoing. Broker shall also include any person: (a) Employed by or on behalf of the owner or owners of lots or other parcels or real estate at a salary, fee, commission, or any other valuable consideration to sell such real estate or any part thereof in lots or parcels or make other disposition thereof; (b) who engages in the business of charging an advance fee in connection with any contract whereby he or she undertakes primarily to promote the sale of real estate either through its listing in a publication issued primarily for such purpose, or for referral of information concerning such real estate to brokers, or both; (c) who auctions, offers, attempts, or agrees to auction real estate; or (d) who buys or offers to buy or sell or otherwise deals in options to buy real estate;

(3) Associate broker shall mean a person who has a broker's license and who is employed by another broker to participate in any activity described in subdivision (2) of this section;

(4) Salesperson shall mean any person, other than an associate broker, who is employed by a broker to participate in any activity described in subdivision (2) of this section;

(5) Purchaser shall mean a person who acquires or attempts to acquire or succeeds to an interest in land;

(6) Commission shall mean the State Real Estate Commission;

(7) Financial interest shall mean any interest, legal, or beneficial, such that the holder of

the interest is or will be entitled to more than a one per cent share of the net profits or net worth of the legal entity in which such interest is held. The ownership of a legal or beneficial interest of one per cent or less of the net profits or net worth of the legal entity in which such interest is held shall constitute a financial interest if the primary purpose of the acquisition or maintenance of such legal or beneficial interest is the financial benefit to be obtained from the referral of title business;

(8) Title insurance shall mean such term as defined in subsection (1) of section 44-1901;

(9) Title insurance company shall mean such term as defined in subsection (3) of section 44-1901; and

(10) Title insurance agent shall mean such term as defined in subsection (10) of section 44-1901.

Sec. 2. (1) If a broker recommends that a purchaser of real estate obtain title insurance and recommends a specific title insurance company or title insurance agent, the such broker shall make available in writing a statement, printed in not smaller than 10 point type, disclosing any relationship such broker has with such title insurance company or title insurance agent to such purchaser. The broker shall file a copy of such disclosure statement with the State Real Estate Commission. The commission shall adopt and promulgate rules and regulations necessary to carry out the provisions of this act, including the information required in a disclosure statement. Information required on a disclosure statement shall include the following:

(a) Any financial interest the broker may have in a title insurance company;

(b) Any financial interest any associate broker, salesperson, or other employee of the broker may have in a title insurance company;

(c) Any contracts, arrangements, or understanding, current or proposed, between the broker and the title insurance company;

(d) The approximate amount of any material interest, direct or indirect, between any of the broker's directors or officers and the title insurance company in any material transaction within the past two years; and

(e) Any other documents, exhibits, data, and information as the commission may require or is necessary to make fair, full, and effective disclosure.

(2) Failure to disclose the information required in subsection (1) of this section shall be a Class II misdemeanor.".

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 29, 71, and 191.

VISITORS

Visitors to the Chamber were Gerald and Beverly Clausen and Al Prosch from Bloomfield; 3 groups of fourth grade students and teachers from Belmont Grade School, Lincoln; 4 Boy Scouts and leader from St. Pius, Omaha; 29 eleventh and twelfth grade students and teachers from Wheeler Central High School, Bartlett; and 14 junior and senior college students and teachers from Concordia College, Seward.

ADJOURNMENT

At 12:01 p.m., on a motion by Mrs. Higgins, the Legislature adjourned until 9:00 a.m., Tuesday, March 1, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIFTH DAY - MARCH 1, 1983

LEGISLATIVE JOURNAL

THIRTY-FIFTH DAY - MARCH 1, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 1, 1983

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by C. Grant Story, Warren United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Chronister, Haberman, Lamb, Newell, R. Peterson, Rupp, Schmit, Warner, Wesely, Wiitala, Mesdames Higgins, Labedz, Pirsch, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Fourth Day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 28, 1983, at 3:12 p.m., were the following bills: 29, 71, and 191.

(Signed) Jan Loder, Enrolling Clerk

NOTICE OF COMMITTEE HEARINGS
Public Works

Governor's Appointment, Thursday, March 10, 1983 1:00 p.m.
J. Michael Jess, Director, Department of Water Resources

Governor's Appointments, Thursday, March 17, 1983 1:00 p.m.
Power Review Board
John Crowley
Don Hyde

Dale Thomas

Governor's Appointments, Friday, March 18, 1983 1:00 p.m.
Board of Public Roads Classifications and Standards
Vera Christensen
David Coolidge
Heasty W. Reesman
Marvin Athey
Bill Lindholm
Richard Erixson
Motor Vehicle Industry Licensing Board
Robert Martin
Ted Cannon
Roger Cross
Donald Beltz
Darrell Barnes

(Signed) Loran Schmit, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 303. Placed on Select File as amended.
E & R amendment to LB 303:
AM5037
1. On page 8, line 2, strike "2" and insert "3".

LEGISLATIVE BILL 179. Placed on Select File as amended.
E & R amendments to LB 179:
AM5038
1. On page 1, line 2, strike "equipment"; and in line 3, strike "and engines".
2. Because of the Vickers amendment, on page 2, line 17, after "state" insert a comma.

Correctly Engrossed

The following bills were correctly engrossed: 24, 33A, and 439A.

(Signed) Rod Johnson, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 31.

MOTION - Withdraw LB 187

Mr. Wagner renewed his pending motion found in the Journal on page 678 to withdraw LB 187.

The motion prevailed with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 32. Read. Considered.

Mr. Landis offered the following amendment:
I move to strike the three sections following "Be it Resolved" and insert the following:

1. That the legislature's Business and Labor Committee is empowered to meet with representatives the company and the union to secure their agreement to request the assistance of the Federal Mediation Service in hopes of solving this problem.

MR. V. JOHNSON PRESIDING

Mr. Beyer moved 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 Landis amendment lost with 9 ayes, 18 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Newell moved to indefinitely postpone LR 32.

Mr. DeCamp asked unanimous consent to withdraw LR 32. No objections. So ordered.

STATEHOOD DAY CEREMONY

Awards were presented by Acting Governor McGinley to the following people:

George Round, Trailblazer Award; Marie Vogt, Pioneer Award; Dr. John Janovy, Jr., Pioneer Award; Charles Thone, Wagonmaster Award.

Statehood Day 1983 gives us a fine opportunity to reflect on

Nebraska's growth and directions of growth occurring over the past 116 years. Our economy has grown in a way unimagined by our grandfathers, based on a remarkable set of values that existed long before we became the State of Nebraska. An agrarian background, a strong work ethic, an entrepreneur's attitude towards business and industry, and a willingness to work together have all contributed to a growing Nebraska economy.

A century ago, our forefathers learned that work was essential to survival in a land where nature's whims were hostile, and the native Americans were unfriendly. A strong work ethic developed as they endeavored to establish a way of life in a new land. 116 years after the territory became a state, other forces threaten our "good life". The world economy has become a dominating influence to slow our growing quality of life. But the pioneer spirit, responsible for the development of a most productive and dependable modern work force, and a super efficient agricultural industry, have blunted the serious economic recession which has caused critical problems in other states.

On this celebration of our State's birthday, we want to emphasize the forces at work in the spirit of the pioneers...encouraging expansion to today's business in Nebraska, and developing programs designed to build a better business climate. Nebraska's economic growth and quality of life have been the envy of all the country. Governor Kerrey and our state Legislature have given a high priority to continuing the growth of Nebraska's economy with the enhancement of a business climate that is conducive of job development and business expansion. With the spirit of workmanship developed through these 116 years, and the pioneer years before Statehood, the growth of our economy, the continued development of our standard of living, and the image of the "good life" have a solid foundation on which to build.

So on this March 1, 1983, I ask you to reflect on how this state has grown along the path of the future established by those wagonmasters, trailblazers, and pioneers more than 116 years ago, and with those modern day leaders we honor today. With this foundation, the security of our future is assured.

We are pleased that Betty Abbott and the Nebraskaland Foundation have arranged this opportunity to pause and reflect on our statehood and to honor those who have done more than their share for the great State of Nebraska.

SPEAKER NICHOL PRESIDING

UNANIMOUS CONSENT - Member Excused

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 33. Read. Considered.

Mr. Hoagland, Mesdames Pirsch, and Morehead asked unanimous consent to have their names added as co-introducers to LR 33. No objections. So ordered.

LR 33 was adopted with 33 ayes, 0 nays, and 16 not voting.

LEGISLATIVE RESOLUTION 35. Read. Considered.

Messrs. Barrett, Beutler, Beyer, Carsten, Chambers, Chronister, Clark, Eret, Goodrich, Hannibal, Hefner, Hoagland, Jacobson, L. Johnson, R. Johnson, V. Johnson, Kahle, Lamb, Lundy, Newell, Nichol, H. Peterson, R. Peterson, Remmers, Rupp, Sieck, Von Minden, Wagner, Warner, Wesely, Wiitala, Mesdames Labedz, Morehead, Pirsch, and Miss Kilgarin asked unanimous consent to add their names as co-introducers to LR 35. No objections. So ordered.

LR 35 was adopted with 37 ayes, 0 nays, and 12 not voting.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE RESOLUTION 36. Read. Considered.

LR 36 was adopted with 33 ayes, 0 nays, and 16 not voting.

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 601	Wednesday, March 9, 1983	1:30 p.m.
LB 605	Wednesday, March 9, 1983	1:30 p.m.
LB 608	Wednesday, March 9, 1983	1:30 p.m.

(Signed) Jerome Warner, Chairperson

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 192. Placed on General File as amended.
Standing Committee amendments to LB 192:
AM0484

1. On page 2, line 9, reinstate "(1)" and after the reinstated "(1)" insert "until May 1, 1985,"; in line 15 strike the new matter and reinstate the stricken matter and after the reinstated "(2)" insert

"on or after May 1, 1985,"; reinstate the stricken matter beginning with "fifteen" in line 16 through line 18; reinstate the stricken matter beginning with the second "fifteen" in line 19 through the period in line 21; in line 22 before the stricken "the" insert "Until May 1, 1985," and reinstate "the proceeds of thirteen"; in line 23 strike "Thirteen"; in line 24 strike the period and insert "and on or after May 1, 1985, the"; and reinstate the stricken matter in lines 25 and 26.

2. On page 4, in lines 8 through 12 strike the new matter and reinstate the stricken matter.

3. Strike original section 2 and insert the following new section:

"Sec. 2. That section 81-641, Revised Statutes Supplement, 1982, be amended to read as follows:

81-641. Beginning July 1, 1983, ~~the revenue derived from one cent of the cigarette tax imposed by sections 77-2602 and 77-2616 shall be placed in~~ the Cancer Research and Registry Fund~~, which fund~~ is hereby created. Such fund shall be used for funding (1) sections 81-637 to 81-640, (2) the University of Nebraska Eppley Institute for Research in Cancer and Allied Diseases, (3) sections 81-642 to 81-650, and (4) for associated administrative expenses of the Department of Health. Any money in such fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.".

4. On page 5, strike beginning with "section" in line 7 through "section" in line 8 and insert "sections"; and after "77-2602" insert "and 81-641".

(Signed) Calvin F. Carsten, Chairperson

Agriculture and Environment

LEGISLATIVE BILL 393. Placed on General File as amended.
Standing Committee amendment to LB 393:
AM0302

1. On page 2, line 20, before "and" insert "Addison, Herrick, Frankfort,"; and in lines 21 and 22 strike the new matter.

(Signed) Rex Haberman, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 97. Indefinitely postponed.
LEGISLATIVE BILL 384. Indefinitely postponed.
LEGISLATIVE BILL 456. Indefinitely postponed.

(Signed) David Landis, Chairperson

ANNOUNCEMENT

Mr. Vickers announced the Education Committee will meet in Executive Session March 2, 1983 at 8:15 a.m. in Room 1517.

SELECT FILE

LEGISLATIVE BILL 126. Mrs. Higgins asked unanimous consent to withdraw her pending amendment, AM0425, found in the Journal on page 666. No objections. So ordered.

Mr. Beutler offered the following amendment:
AM0493
1. On page 2, line 16, strike "Nebraska resident" and insert "person who meets one of the qualifications for Nebraska residency provided in subdivisions (1) to (8) of section 85-502"; and strike beginning with "a" in line 23 through "commission" in line 24 and insert "the system of needs analysis used by the Secretary of Education in administering federal work-study programs established under Title IV of the Higher Education Act of 1965, P.L. 89-329, as such system exists on the effective date of this act".

The amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. V. Johnson offered the following amendment:
1. On page 3, line 7, strike beginning with "in" through "classes" in line 8 and insert "leading to a bachelors, masters, or professional degree"; strike lines 12 and 13; in line 18 strike "any" and insert "eligible"; and in line 18 strike "institution" and insert "institutions".
2. On page 5, create a new subdivision (4) and renumber (4) and (5). New subdivision (4) will read as follows: "(4) That an amount not to exceed one thousand eight hundred dollars annually may be paid to any student employed under this program;".

MR. CLARK PRESIDING

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Nichol offered the following amendment to the V. Johnson amendment:

Strike section one of the Johnson amendment.

Mr. Sieck 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 Nichol amendment lost with 19 ayes, 17 nays, and 13 present and not voting.

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. V. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Abboud	Barrett	Beutler	Chambers	Cullan
DeCamp	Eret	Fenger	Fowler	Goodrich
Hoagland	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Landis	Lundy	Marsh	Morehead
Newell	Pappas	Vickers	Wesely	Wiitala

Voting in the negative, 20:

Beyer	Carsten	Chronister	Clark	Doyle
Goll	Hannibal	Hefner	Higgins	Jacobson
Lamb	Nichol	Peterson, H.	Peterson, R.	Pirsch
Remmers	Sieck	Von Minden	Wagner	Warner

Present and not voting, 2:

Johnson, L. Schmit

Absent and not voting, 2:

Haberman Rupp

The V. Johnson amendment was adopted with 25 ayes, 20 nays, 2

present and not voting, and 2 absent and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 50 in the Journal. No objections. So ordered.

AM0506

(Amendments to Final Reading Second)

1. On page 2, line 16, strike ", except that" and insert ", however,"; and in line 18 strike "between March 15 and November 1" and insert "at any time during the year".

Mrs. Labedz asked unanimous consent to print the following amendment to LB 466 in the Journal. No objections. So ordered.

AM0512

1. Insert the following new section:

"Sec. 6. Any expense incurred by the Department of Revenue in the administration of this act shall be paid from money deposited in the Nongame and Endangered Species Conservation Fund created in section 5 of this act. Such reimbursement to the department shall not exceed twenty-five thousand dollars in the first year of the voluntary check-off designation pursuant to section 4 of this act and ten thousand dollars in any year thereafter.".

2. Renumber original section 6 as section 7.

ADJOURNMENT

At 12:02 p.m., on a motion by Mr. Sieck, the Legislature adjourned until 9:00 a.m., Wednesday, March 2, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SIXTH DAY - MARCH 2, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 2, 1983

Pursuant to adjournment, the Legislature met at 9:02 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Pastor Leland Oswald, First Mennonite Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chronister, Eret, Haberman, Landis, Schmit, Wiitala, and Mrs. Morehead who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Fifth Day was approved.

SELECT COMMITTEE REPORT
Rules

The Rules Committee met on Thursday, February 24, 1983, and acted favorably on the following proposed rule change:

Von Minden rule change to Rule 3, new Section 10, found on Journal p. 491, with committee amendment:

Section 10. Conduct During Committee Hearing.
No member, staff, media representative, or individual shall smoke or otherwise consume tobacco products during a committee hearing or while the Committee conducts an Executive Session within the hearing room assigned to that Committee for such purpose, unless the Committee by a vote of the majority, with all the members present, taken at least once a session, decides otherwise.

VOTE: For: Senators Higgins, Hoagland, Jacobson, L. Johnson. Against: None. Present and Not Voting: None. Absent: Senator Beutler.

(Signed) Peter Hoagland, Chairperson

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 114.

A BILL FOR AN ACT relating to the Department of Economic Development; to eliminate a termination date; and to repeal section 81-1264, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Barrett	Beutler	Beyer	Carsten	Clark
Cullan	DeCamp	Doyle	Fenger	Fowler
Goll	Goodrich	Hannibal	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, V.	Kahle
Kilgarin	Labedz	Lundy	Marsh	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Sieck	Von Minden	Wagner
Warner				

Voting in the negative, 5:

Abboud	Chambers	Lamb	Vickers	Wesely

Present and not voting, 1:

Johnson, R.

Excused and not voting, 7:

Chronister	Eret	Haberman	Landis	Morehead
Schmit	Wiitala			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 155 to Select File

Mr. Chambers moved to return LB 155 to Select File for the following specific amendment:

1. Page 3, line 26: Strike "four" and substitute "three".

2. Page 4, line 6: Strike "business".

The motion to return prevailed with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 155. The Chambers specific amendment found in this day's Journal was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 155 to Select File

Mr. Chambers moved to return LB 155 to Select File for the following specific amendment:

P. 4, line 17: After "alleged.", add - "Notification to the manufacturer's authorized dealer shall be notification to the manufacturer."

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 11 nays, and 12 not voting.

The motion to return lost with 17 ayes, 26 nays, and 6 present and not voting.

Mr. Chambers moved to return LB 155 to Select File for the following specific amendment:

In section three of the bill strike the word "substantially" where used and insert "unreasonably".

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

The motion to return prevailed with 29 ayes, 5 nays, and 15 present and not voting.

SELECT FILE

LEGISLATIVE BILL 155. The Chambers specific amendment found in this days Journal was adopted with 39 ayes, 0 nays, and 10 present and not voting.

Advanced to E & R for Re-Engrossment.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 33, LR 35, and LR 36.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 201. With Emergency.

A BILL FOR AN ACT to amend section 77-3432.06, Revised Statutes Supplement, 1982, relating to budget limitations; to provide that certain retirement systems be considered new programs; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	Cullan	DeCamp	Doyle	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala				

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Chambers	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 203.

A BILL FOR AN ACT to amend section 79-4,118, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to allow purchases to be made by employees; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Cullan	DeCamp	Doyle
Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Wiitala		

Voting in the negative, 0.

Present and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 291.

A BILL FOR AN ACT to amend sections 19-1801 and 19-3501, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages; to allow certain cities and villages to have civil service commissions as prescribed; to change a provision relating to employee pension plans; 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:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	Cullan	DeCamp	Doyle	Eret

Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala			

Voting in the negative, 0.

Present and not voting, 2:

Beutler Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 488. With Emergency.

A BILL FOR AN ACT to amend sections 79-1056 and 79-1057, Revised Statutes Supplement, 1982, relating to schools; to change retirement benefits as prescribed; to change provisions relating to the age of retirement; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Clark	Cullan	DeCamp	Doyle
Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Vickers	Wagner	Warner	Wesely
Wiitala				

Voting in the negative, 2:

Pappas Von Minden

Present and not voting, 1:

Beutler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Messrs. Sieck, Pappas, and R. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Return LB 50 to Select File

Mrs. Labedz moved to return LB 50 to Select File for the pending specific amendment, AM0506, found in the Journal on page 706.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The motion to return prevailed with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 50. The Labedz specific amendment found in the Journal on page 706 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.

Mrs. Pirsch asked unanimous consent to be excused until she returns. No objections. So ordered.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 109. Indefinitely postponed.

LEGISLATIVE BILL 217. Placed on General File as amended.
Standing Committee amendments to LB 217:
AM0495

1. On page 2, line 12, strike the new matter and reinstate the stricken matter.
2. On page 3, in lines 6, 7, 9, and 27 strike the new matter and reinstate the stricken matter.
3. On page 4, line 1, strike the new matter and reinstate the stricken matter.
4. On page 6, line 11, strike the new matter and reinstate the stricken matter.

5. On page 7, strike beginning with "in" in line 9 through "duty" in line 10 and insert "arising out of and in the course of his or her employment"; and strike beginning with "the" in line 11 through "section" in line 12 and insert "one hundred eighty dollars per week".

6. On page 8, in lines 2 and 9 strike the new matter and reinstate the stricken matter.

7. On page 9, in lines 11 and 12 strike the new matter and reinstate the stricken matter.

8. On page 11, in lines 5 and 6 strike the new matter and reinstate the stricken matter.

LEGISLATIVE BILL 432. Placed on General File as amended.
Standing Committee amendment to LB 432:
AM0167

1. On page 2, line 5, after "(a)" insert "(1)"; and strike the new matter in lines 10 through 16 and insert ", or (2) for the week in which he or she has left work voluntarily for the sole purpose of accepting previously secured, permanent, full-time, insured work, which he or she does accept, which offers a reasonable expectation of betterment of wages or working conditions, or both, if so found by the commissioner, and for not more than one week which immediately follows such week".

LEGISLATIVE BILL 524. Placed on General File as amended.
Standing Committee amendments to LB 524:
AM0496

1. Insert the following new section:

"Sec. 2. That section 48-669, Revised Statutes Supplement, 1982, be amended to read as follows:

48-669. With respect to any claimant for whom there is current a benefit year, which has not expired prior to the effective date of this act, ~~August 24, 1979, the base period on which the right to receive benefits was computed shall remain the same, but if the wages paid in the highest quarter of the base period were in excess of the amount necessary to receive the maximum weekly benefit amount prior to August 24, 1979, then, and only then,~~ the weekly benefit amount and maximum annual benefit amount shall be ~~redetermined under sections 48-624 to 48-626 on claims for weeks subsequent to August 24, 1979 within the remainder of such current benefit year~~ those amounts determined prior to the effective date of this act.".

2. On page 6, line 3, strike "section" and insert "sections" and after "48-624" insert "and 48-669"; and in line 4, strike "is" and insert "are".
3. Renumber original section 2 as section 3.

(Signed) Bill Barrett, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 466 in the Journal. No objections. So ordered.

AM0523
1. On page 5, line 5, before the period insert "and to pay any expenses incurred by the Department of Revenue or any other agency in the administration of the income tax designation program required by section 4 of this act".

EXPLANATION OF VOTE

Had I been present, I would have voted yes on LB 114.

(Signed) Rex Haberman

UNANIMOUS CONSENT - Withdraw Name

Mr. Kahle asked unanimous consent to withdraw his name as co-sponsor of LR 5. No objections. So ordered.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hoagland asked unanimous consent to have his name added as co-introducer to LB 269. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 126. Mr. Vickers offered the following amendment:

Page 3, line 9, following "who", strike "reside in Nebraska" and insert "are Nebraska residents" and strike lines 10 & 11.

Mr. Vickers moved for a Call of the House. The motion prevailed with

16 ayes, 0 nays, and 33 not voting.

The Vickers amendment was adopted with 31 ayes, 1 nay, 13 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Warner offered the following amendment:
Add the following new section "Sec. 7. Annual appropriations to fund the provisions of this bill shall not exceed one hundred thousand dollars from the General Fund."

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

The Warner amendment lost with 17 ayes, 16 nays, 12 present and not voting, and 4 excused and not voting.

Mr. Warner moved to indefinitely postpone LB 126.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Warner motion to indefinitely postpone lost with 16 ayes, 22 nays, 7 present and not voting, and 4 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 114, 201, 203, 291, and 488.

SPEAKER NICHOL PRESIDING

SELECT FILE

LEGISLATIVE BILL 126. Considered.

Mr. Clark requested a machine vote on the advancement of the bill.

Mr. Cullan moved for a Call of the House. The motion prevailed with 13 ayes, 2 nays, and 34 not voting.

Advanced to E & R for Engrossment with 25 ayes, 16 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

MESSAGE FROM THE GOVERNOR

March 2, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 413E, 401, 367, 195, 149, 83, 20E, 36, 37, 30, 34, 81, 82, 87 and 104 were received in my office on February 24, 1983.

These bills were signed by me on March 2, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 371. Placed on General File as amended.
Standing Committee amendment to LB 371:
AM0524

1. On page 3, strike the new matter in lines 26 and 27.
2. On page 4, line 9, after the period insert "Any restraining order issued excluding either party from the premises occupied by the other party shall specifically set forth the location of the premises and shall be served upon the party by the sheriff in the manner prescribed for serving a summons. A return of the summons shall be filed in district court. Any person who knowingly violates such restraining order after proper service shall be guilty of a Class V misdemeanor.".
3. On page 4, line 26; page 5, lines 1 and 21; page 7, lines 13 and 18; and page 8, line 10, strike "or alimony".
4. On page 5, line 2, strike "or"; and in line 3 strike "alimony".
5. On page 7, line 19, strike "or"; and in line 20 strike "alimony".
6. On page 12, lines 20 and 21, strike the

new matter; in line 22 after the period insert "The court may order such payment to be in cash or guaranteed funds."; and strike lines 23 through 27 and insert "(2) If the person against whom an order or judgment for child support is entered or the custodial parent or guardian has health insurance available to him or her through an employer or organization which may extend to cover any children affected by the order or decree, the court shall require the option be exercised by either party for additional coverage which favors the best interests of the child or children affected by the order or judgment, unless the parties have otherwise stiuplated in writing or to the court.".

7. On page 13, strike lines 1 through 13; and in line 14 strike "(4)" and insert "(2)".

8. Strike sections 7, 11 through 14, and 16 through 30.

9. On page 18, line 16, strike "or"; in line 17 strike "authorized attorney's"; and in line 19 strike ", or authorized attorney".

10. On page 25, line 21, strike "to 42-364.12" and insert ", 42-364.11"; and in line 23 strike "sections 43-512, 43-512.01 to 43-512.03, and" and insert "section".

11. Renumber remaining sections accordingly.

LEGISLATIVE BILL 538. Placed on General File as amended.
Standing Committee amendment to LB 538:
AM0525

1. On page 2, line 9, strike "the" and insert "each"; and in line 11 strike "may" and insert "shall".

LEGISLATIVE BILL 205. Indefinitely postponed.
LEGISLATIVE BILL 487. Indefinitely postponed.
LEGISLATIVE BILL 532. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 63. Placed on General File as amended.
Standing Committee amendment to LB 63:
AM0518

1. On page 2, line 3, before "The" insert "(1)"; in line 4 strike the new matter and reinstate the stricken matter; strike beginning with "which" in line 8 through the comma in line 11 and show as stricken; and after line 23 insert:

"(2) The county board of all counties having a population of less than one hundred fifty thousand inhabitants shall include in the publication required by subsection (1) of this section the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one item.".

(Signed) David Landis, Chairperson

Business and Labor

LEGISLATIVE BILL 543. Placed on General File as amended.
Standing Committee amendments to LB 543:
AM0519

1. Insert the following new section:

"Sec. 2. That section 48-669, Revised Statutes Supplement, 1982, be amended to read as follows:

48-669. With respect to any claimant for whom there is current a benefit year, which has not expired prior to August 24, 1979, the base period on which the right to receive benefits was computed shall remain the same, but if the wages paid in the highest quarter of the base period were in excess of the amount necessary to receive the maximum weekly benefit amount prior to August 24, 1979, then, and only then, the weekly benefit amount ~~and maximum annual benefit amount~~ shall be redetermined under sections 48-624 to 48-626 on claims for weeks subsequent to August 24, 1979, within the remainder of such current benefit year.".

2. On page 2, line 6, strike the new matter and reinstate the stricken matter and after "amount" insert ", if such benefit year began prior to the effective date of this act, and thirty times his or her benefit amount, if such benefit year begins on or after the effective date of this act,".

3. On page 3, line 18, strike "section" and insert "sections" and after "48-626" insert "and 48-669"; and in line 19 strike "is" and insert "are".

4. Renumber original section 2 as section 3 respectively.

(Signed) Bill Barrett, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Barrett asked unanimous consent to print the following amendment to LB 158 in the Journal. No objections. So ordered.

AM0456

1. On page 2, line 10, strike "fifteen" and reinstate "forty-nine"; in line 11 strike "eighty-four"; in line 13 reinstate "forty-nine" and strike "eighty-four"; and in line 23 strike "fifteen".

2. On page 6, line 9, strike "fifteen"; and in lines 10 and 12 strike the new matter and reinstate the stricken matter.

3. On page 7, line 9, strike "fifteen"; and in lines 10 and 12 strike the new matter and reinstate the stricken matter.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 126A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 126, Eighty-eighth Legislature, First Session, 1983.

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

Governor's Appointment, March 3, 1983 7:00 p.m.
Donald N. Dworak, Director of Department of Economic Development

(Signed) John W. DeCamp, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 611 through 620.

LB	Committee
611	Public Health and Welfare
612	Government, Military and Veterans Affairs
613	Education
614	Judiciary
615	Appropriations
616	Education

617	Appropriations
618	Appropriations
619	Revenue
620	Judiciary

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 618	Monday, March 14, 1983	1:30 p.m.
LB 617	Tuesday, March 15, 1983	1:30 p.m.
LB 615	Tuesday, March 15, 1983	1:30 p.m.

(Signed) Jerome Warner, Chairperson

SELECT FILE

LEGISLATIVE BILL 414. E & R amendment, AM5032, found in the Journal on page 628 for the Thirty-First Day was adopted.

Mr. Fenger asked unanimous consent to pass over LB 414. No objections. So ordered.

LEGISLATIVE BILL 497. E & R amendment, AM5035, found in the Journal on page 652 for the Thirty-Second Day was adopted.

Mr. Beutler offered the following amendment:
Amend LB 497 by adding the following language at the end of Section 1:

"No person shall be compelled to submit to a test to determine response to rubella if such person objects thereto on the grounds that such testing is contrary to the religious tenets of an established church of which she is a member or adherent"

Mr. Wiitala 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 Beutler amendment was adopted with 26 ayes, 9 nays, 10 present and not voting, and 4 excused and not voting.

MESSAGE FROM THE SECRETARY OF STATE

March 2, 1983

Honorable Speaker and Members of the Legislature
Eighty-eighth Legislature, First Session
Nebraska Unicameral Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Speaker and Members assembled:

Please be advised that Legislative Bill Number 15 has become law without the signature of the Governor.

Attached is my certification that Legislative Bill Number 15 remained with the Governor five days, Sunday excepted, and that the Governor failed to veto the bill and failed to sign the bill. Said bill has become law under the provisions as set forth in the Constitution.

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

Enclosure

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 15 this bill, having remained with the Governor five days, Sunday excepted, the Legislature being in session, the Governor having failed to sign said bill, the Governor having failed to return this bill to the Legislature during its session, it has thereby become a law.

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

Done at Lincoln this second day of March in the year of our Lord, one thousand nine hundred and eighty-three.

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

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 275. Placed on General File.

LEGISLATIVE BILL 235. Placed on General File as amended.
Standing Committee amendments to LB 235:
AM0481

1. On page 4, strike beginning with "an" in line 25 through "agency" in line 26 and insert "the Department of Public Institutions, a law enforcement agency or the local county attorney".
2. On page 5, strike lines 2, 3, and 4 and insert "Friends and relatives of a resident shall have access during normal visiting hours of the facility. Volunteers and members of community organizations shall have access, after making arrangements with proper personnel of the home, during regular visiting and business".
3. On page 7, line 8, after "transfer" insert "from a nursing home"; and strike beginning with "such" in line 10 through "days" in line 13 and insert "subdivision (d) of subsection (1) of this section applies, five days written notice shall be given to the resident or his or her representative and when subdivision (e) of subsection (1) of this section applies, a resident shall be given ten days written notice if his or her charges are five days or more in arrears".

LEGISLATIVE BILL 273. Placed on General File as amended.
Standing Committee amendments to LB 273:
AM0480

1. Insert the following new section:
"Sec. 6. The provisions of this act shall not apply to employees of nursing homes who, on the effective date of this act, are acting as a nurse's aide, care staff member, or orderly.".
2. Renumber original section 6 as section 7.

(Signed) George Fenger, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 37.

Introduced by Landis, 46th District; Kilgarin, 7th District; Fowler, 27th District; Wesely, 26th District; DeCamp, 40th District.

WHEREAS, President Ronald Reagan on Saturday, February 26, 1983 announced that he is planning to ask the U.S. Congress to enact federal legislation to provide for the immediate decontrol of the natural gas industry;

WHEREAS, Nebraska is a natural gas importing state and would stand to be harmed by this action;

WHEREAS, immediate decontrol by the federal government of natural gas would add next year about 24¢ per bushel to the cost of production for corn and about 19¢ per bushel for the cost of production for wheat according to the U.S. Congressional Research Service;

WHEREAS, immediate decontrol of natural gas would cost all Nebraska natural gas consumers over $1.5 billion in higher gas prices than we are expected to pay during the next five years - over $300 million more per year than would probably occur under the current federal policy;

WHEREAS, over 75 percent of Nebraska's current supply of natural gas is contracted for "old gas" (i.e., discovered and developed prior to 1977) which is priced at about $1.00 per 1000 cubic feet;

WHEREAS, immediate decontrol of natural gas would allow old gas prices to rise to the average wellhead price of nearly $3.00 per 1000 cubic feet — immediate decontrol could mean a doubling to tripling in the wellhead price of gas entering Nebraska;

WHEREAS, the current federal policy of particial decontrol provided for in the Natural Gas Policy Act of 1978 has provided gas producers significantly higher prices and greater incentives to develop new gas supplies;

WHEREAS, additional decontrol and the resulting higher prices would not provide any additional incentive for gas reserve development due to the current U.S. glut of gas supplies;

WHEREAS, the natural gas industry is a monopolistic industry and if fully deregulated would not function as a free market were the market forces of supply and demand would result in the most reasonable prices for consumers;

WHEREAS, the current problem with "take or pay contracts" often cited as a major reason for immediate decontrol can be resolved by the U.S. Congress without immediate decontrol and through alterations in the current Natural Gas Policy Act of 1978;

NOW, THEREFORE BE IT RESOLVED, BY THE MEMBERS OF THE NEBRASKA LEGISLATURE, 88TH LEGISLATIVE SESSION:

1. That this Legislature finds the immediate decontrol of natural gas as proposed by President Reagan would unduely cause natural gas prices to rise without the benefits of enhanced supplies or the development of a free market;

2. That this Legislature is opposed to the Congression enactment of the immediate decontrol of natural gas as proposed by the Reagan Administration; and

3. That the Clerk of the Legislature send copies of this resolution to President of the United States, the Nebraska Congressional Delegation, and the Speaker of the United State House of Representatives, and the President of the United States Senate

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 466 in the Journal. No objections. So ordered.

AM0507

1. On page 2, in lines 8 and 11, strike "check-off" and insert "checkoff".

2. Insert new section as follows:

"Sec. 3. That section 37-435, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-435. (1) The commission shall establish such programs, including acquisition of land or aquatic habitat or interests therein, as are necessary for the conservation of nongame, threatened, or endangered species of wildlife or wild plants. Acquisition for the purposes of this subsection shall not include the power to obtain by eminent domain.

(2) In carrying out programs authorized by this section, the commission shall consult with other states having a common interest in particular species of nongame, endangered, or threatened species of wildlife or wild plants and may enter into agreements with federal agencies, other states, political subdivisions of this state, or with private persons with respect to programs designed to conserve such species including, when appropriate, agreements for administration and management of any area established under this section or utilized for conservation of such species.

(3) The Governor shall review other programs administered by him or her and utilize such programs in furtherance of the purposes of sections 37-430 to 37-438. All other state departments and agencies shall, in consultation with and with the assistance of the commission, utilize their authorities in furtherance of the purposes of sections 37-430 to 37-438 by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 37-434, and by taking such action necessary to insure that actions authorized, funded, or carried out by them

do not jeopardize the continued existence of such endangered or threatened species or result in the destruction or modification of habitat of such species which is determined by the commission to be critical. All actions by the Governor or any state agency or department under this section shall be consistent with the Constitution of Nebraska, including: (a) Article XV, section 4, wherein it states that the necessity of water for domestic use and for irrigation purposes in the State of Nebraska is hereby declared to be a natural want, (b) Article XV, section 5, wherein it provides that the water of every natural stream within the State of Nebraska is dedicated to the people of the state for beneficial purposes, and (c) Article XV, section 6, which recognizes priority of appropriation between surface water users.".

3. On page 3, line 15, strike "5" and insert "6"; and in line 26 strike "4 and 5" and insert "5 and 6".

4. On page 4, line 26, strike "5" and insert "6".

5. On page 5, line 9, strike "4" and insert "5"; and in line 14 after "37-432" insert ", 37-435,".

6. Renumber remaining sections accordingly.

Mr. Hoagland asked unanimous consent to print the following amendments to LB 381 in the Journal. No objections. So ordered.

AM0465

1. On page 2, line 21, after "operations" insert an underscored semicolon and strike the underscored comma; and strike the new matter in lines 22 through 23.

AM0466

1. On page 2, line 7, after "municipal" insert "or agricultural" and after "have" insert "an equal preference with each other and both shall have"; in line 9, strike the old matter and show as stricken and strike "ground"; and in lines 10 and 11 strike the old mater and show as stricken.

Mr. Abboud asked unanimous consent to print the following amendment to LB 137 in the Journal. No objections. So ordered.

AM0367

1. Insert the following new section:

"Sec. 3. That section 30-2488, Revised

Statutes Supplement, 1982, be amended to read as follows:

30-2488. (a) As to claims presented in the manner described in section 30-2486 within the time limit prescribed in section 30-2485, the personal representative may mail a notice to any claimant stating that the claim has been disallowed. If, after allowing or disallowing a claim, the personal representative changes his or her decision concerning the claim, he or she shall notify the claimant. The personal representative may not change a disallowance of a claim after the time for the claimant to file a petition for allowance or to commence a proceeding on the claim has run and the claim has been barred. Every claim which is disallowed in whole or in part by the personal representative is barred so far as not allowed unless the claimant files a petition for allowance in the court or commences a proceeding against the personal representative not later than sixty days after the mailing of the notice of disallowance or partial allowance if the notice warns the claimant of the impending bar. Failure of the personal representative to mail notice to a claimant of action on his or her claim for sixty days after the time for original presentation of the claim has expired has the effect of a notice of allowance.

(b)(1) At any time within fourteen days of the filing of a petition for allowance of a claim not in excess of ~~five~~ ten thousand dollars, the personal representative may transfer the claim to the regular docket of the county court by filing with the court a notice of transfer. The county court shall hear and determine the claim in the same manner as actions originally filed in the county court on the regular docket. The county court may order such additional pleadings as are necessary.

(2) At any time within fourteen days of the filing of a petition for allowance of a claim in excess of ten ~~five~~ thousand dollars, the personal representative may transfer the claim to the district court by filing with the county court a notice of transfer and depositing with the clerk a docket fee in the amount of the filing fee in district court for cases originally commenced in district court. Upon the filing of a notice of transfer and the deposit of the docket fee the clerk of the county court shall transmit to the clerk of the district court a certified copy of the notice of transfer, a certified copy of the petition for

allowance of the claim, and the docket fee. Upon the filing of the notice and petition the district court shall have jurisdiction over the proceedings on the claim. The district court may order such additional pleadings as are necessary. The district court shall adjudicate the claim in the manner provided in section 25-1104 as to actions for the recovery of money or of specific real or personal property.

(c) Upon the petition of the personal representative or of a claimant in a proceeding for the purpose, the court may allow in whole or in part any claim or claims filed with the clerk of the court in due time and not barred by subsection (a) of this section. Notice in this proceeding shall be given to the claimant, the personal representative, and those other persons interested in the estate as the court may direct by order entered at the time the proceeding is commenced.

(d) A final judgment in a proceeding in any court against a personal representative to enforce a claim against a decedent's estate is an allowance of the claim.

(e) Unless otherwise provided in any final judgment in any court entered against the personal representative, allowed claims bear interest at the legal rate for the period commencing sixty days after the time for original presentation of the claim has expired unless based on a contract making a provision for interest, in which case they bear interest in accordance with that provision.".

2. On page 4, line 7, after the second comma insert "and section 30-2488, Revised Statutes Supplement, 1982,".

3. Renumber remaining sections accordingly.

VISITORS

Visitors to the Chamber were 5 adults from Omaha; JoAnn Thietje from Fremont Public Schools; Linda Meier from North Bend Central School; 5 members of the Beatrice Chamber of Commerce; Richard Albrecht from Ainsworth High School; Dan Davenport from Scottsbluff; Lester Piper from Burwell; and Bob Crouch from St. Paul.

ADJOURNMENT

At 12:05 p.m., on a motion by Miss Kilgarin, the Legislature adjourned until 9:00 a.m., Thursday, March 3, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SEVENTH DAY - MARCH 3, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 3, 1983

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Rev. Homer Clements, St. Lukes United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Fowler, Haberman, Pappas, Warner, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Sixth Day was approved.

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

Governor's Appointments - Nebraska Arts Council

Ted Kooser	Thursday, March 10, 1983	1:30 p.m.
LaVon Crosby	Thursday, March 10, 1983	2:45 p.m.
Lucy Buntain	Thursday, March 17, 1983	1:30 p.m.
Albert T. Davis	Thursday, March 17, 1983	1:30 p.m.
Virginia Parker	Thursday, March 17, 1983	1:30 p.m.

(Signed) Elroy M. Hefner, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 2, 1983, at 1:46 p.m., were the following bills: 114, 201, 203, 291, and 488.

(Signed) Jan Loder, Enrolling Clerk

ATTORNEY GENERAL'S OPINIONS

Opinion No. 30
March 1, 1983

Dear Senator Beutler:

This is in response to your request for an opinion concerning portions of LB 215. You specifically inquire whether the state is preempted from enacting legislation which would prohibit federal savings and loan associations from ownership of title insurance agency interests as provided for in LB 215, since such companies are regulated by federal law.

As you know, LB 215 is a general exercise of the police power of the state in the regulation of title insurance. It generally attempts to regulate the producers of such insurance, as defined in the act, from doing business with a controlled company or agency in the title insurance business. The act applies generally to all individuals and corporations involved in buying or selling interest in real estate or making loans secured by interests in real estate, and does not specifically mention federal savings and loan associations or banks.

It has long been recognized that insurance is a proper subject of regulation by the state police power. As far back as 1914 our State Supreme Court in approving in its entirety our state insurance code stated in part:

> The police power of the state may be employed as said in Noble State Bank v. Haskell, supra, "in aid of what is sanctioned by usage, or held by the prevailing morality or strong and preponderant opinion to be greatly and immediately necessary to the public welfare."
>
> We are convinced that, in the light of the case referred to, there is doubt as to whether the legislature had exceeded its constitutional limitations. In such case the lawmaking body is entitled to the benefit of the doubt; only a clear case of violation will justify the court in interfering, and this has not been shown. State, ex rel. Martin, v. Howard, 96 Neb. 278 at 294.

This view has, of course, been strengthened many times since. Classifications of various businesses for the purpose of regulation have long been the established practice of the Legislature and are routinely held proper provided that they rest upon some reason of public policy or some substantial difference of situation or circumstances, and cannot be interfered with unless it is clearly apparent that the Legislature has made an artificial or baseless classification. Metropolitan Utilities District v. City of Omaha, 171 Neb. 609; City of Scottsbluff v. Tiemann, 185 Neb. 256.

We have not been informed as to the stated purposes for this particular act but, for the purposes of your question, assume that the Legislature has a sound basis for the particular regulations of the title

insurance business contained in the act. This being so, the fact that it may interfere with the operation of a particular type business is of no consequence to the validity of the act, since the act applies to all businesses and individuals uniformly who come within its provisions.

Should there be some conflict between the act and the authority granted by federal law to federal savings and loan associations, the extent of the conflict between the two statutes would have to be examined to determine if one or the other prevailed. We have not been able to find any such federal provisions.

The fact that the federal government generally regulated federal savings and loan associations would not of itself affect this bill since, as mentioned before, the bill applies uniformly to all individuals and corporations who wish to produce business as defined in the act and does not attempt to regulate savings and loan associations.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 31
February 28, 1983

Re: LB 117

Dear Senator Sieck:

By letter dated February 17, 1983, you asked whether LB 117, a bill which would amend Neb.Rev.Stat. §9-307 of the Uniform Commercial Code, would allow a full-time farmer who purchased a "piece of machinery" from another full-time farmer to take the item of equipment free of a security interest.

UCC §9-307(1), as it presently reads, and as it would read should LB 117 pass in the form which we have in front of us, does not provide for a buyer to take free of a security interest in every case. There are limitations on the basis of who the buyer is, what he is buying, how much he actually knows about the provisions of the security interest, who the seller is, and who created the security interest in the property. We assume that you have made your inquiry with an understanding of most of the limitations and that you are primarily interested in the limitations relating to the identities of the buyer and seller. We also assume that when you refer to a "piece of machinery" you are referring to an item that would qualify as farm equipment which, incidentally is not defined in the Code. (Is a pick-up used in farming operations "farm

equipment?")

LB 117, insofar as it is relevant to our discussion, provides:

> A buyer in ordinary course of business (subsection (9) of section 1-201) including ~~other than~~ a person buying farm products or farm equipment from a person engaged in farming operations takes free of a security interest. . . .

This language is somewhat confusing because it appears to indicate that a person buying farm equipment from a person engaged in farming operations fits within the definition of a buyer in ordinary course of business. However, a "buyer in ordinary course of business" is "a person who in good faith and without knowledge that the sale to him is in violation of the ownership rights or security interest of a third party in the goods buys in ordinary course from the person in the business of selling goods of that kind but does not include a pawn broker." (Emphasis added). UCC §1-201(9). A person engaged in farming operations would generally be understood to mean a farmer. It also is generally understood that a farmer is not one who is in the business of selling farm equipment. Consequently, it does not seem to be consistent to say that a person who buys farm equipment from a farmer is one who has bought goods from a person in the business of selling goods of that kind.

Because of the inconsistency an argument could be made that one who buys farm equipment from a farmer would only take free of a security interest in such equipment if the farmer was also a dealer in farm equipment or, alternatively, if the farmer-seller had a significant volume of turnover in the same type of farm equipment.

However, is is probable that the word "including," which would be added to Neb.Rev.Stat. §9-307 by LB 117 would be read as an "and" in order to harmonize the seeming inconsistency. This interpretation would result in a secured party not being permitted to enforce a security interest in farm equipment after the property was sold by the farmer who had created the security interest. Whether the enforcement of the security interest will be foreclosed does not depend upon the identity of the buyer. The proposed legislation makes no distinction between a buyer who is a farmer or a buyer who is a farm implement dealer.

We would also point out that reading the word "including" as an "and" may result in the requirements that a buyer be in good faith and without knowledge that the sale to him is in violation of a security interest of a third party, which requirements are written into the definition of "buyer in ordinary course of business," being inapplicable to a buyer of farm products or farm equipment. In other words, any person buying farm products or farm equipment from a farmer, even though the buyer was aware that the sale was in violation of a secured party's interest in the property, may be able to take the property free of that interest.

Very truly yours,
PAUL L. DOUGLAS

Attorney General
(Signed) Mark D. Starr
Assistant Attorney General

MDS:kkh
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Messrs. Wesely and Hoagland asked unanimous consent to print the following amendment to LB 232 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - AM0266.)

ANNOUNCEMENT

Mr. Barrett announced the Business and Labor Committee will meet in Executive Session on Wednesday, March 9, at 1:30 p.m. in room 1019.

RESOLUTION

LEGISLATIVE RESOLUTION 38.

Introduced by Wesely, 26th District.

WHEREAS, the Nebraska Mortgage Finance Fund, through the issuance of tax-exempt single family mortgage revenue bonds, has made it possible for nearly six thousand low- and moderate-income families in Nebraska to realize the American dream of home ownership and for over five hundred low- and moderate-income families in Nebraska to improve and make energy efficient their existing single family homes; and

WHEREAS, realization of home ownership and home and energy conservation improvements would otherwise have been denied those families because of their inability to meet the high down payment requirements and high monthly mortgage payments of conventional financing; and

WHEREAS, the housing industry in Nebraska, beleaguered by high interest rates and the high cost of housing, fueled by runaway inflation, has been materially benefited by the additional financing provided by the Nebraska Mortgage Finance Fund; and

WHEREAS, the 96th Congress enacted the Mortgage Subsidy Bond Tax Act of 1980, which was signed into law on December 5, 1980, as Public Law 96-499, and which provides that no such tax-exempt single family mortgage revenue bonds may be issued after December 31, 1983; and

WHEREAS, such provision of the Mortgage Subsidy Bond Tax Act of 1980 nullifies the action of the Nebraska Legislature in creating the Nebraska Mortgage Finance Fund with respect to the financing of the ownership and improvement of single family homes through the issuance of tax-exempt obligations.

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

(1) That the 98th Congress be urged to take prompt action in amending the Mortgage Subsidy Bond Tax Act of 1980 to extend the sunset date of December 31, 1983 to permit the issuance of tax-exempt single family mortgage revenue bonds subsequent to December 31, 1983.

(2) That each member of the Nebraska Congressional delegation be urged to support such amendment in order that the fine record of the Nebraska Mortgage Finance Fund may be continued.

(3) That the Clerk of the Legislature forward a copy of this resolution to the Speaker of the U.S. House of Representatives, the President of the U.S. Senate and each member of the Nebraska Congressional delegation.

Laid over.

ANNOUNCEMENT

Speaker Nichol announced today is Senator Rupp's and Senator Doyle's birthday.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 53.

A BILL FOR AN ACT to amend section 2-2317, Revised Statutes Supplement, 1982, relating to agriculture; to change the approval requirements for vouchers; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Barrett	Beyer	Chambers	Chronister	DeCamp
Doyle	Eret	Fenger	Goll	Goodrich
Hannibal	Hefner	Higgins	Hoagland	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Labedz	Lamb

Landis	Lundy	Marsh	Morehead	Newell
Nichol	Peterson, H.	Peterson, R.	Pirsch	Rupp
Schmit	Sieck	Vickers	Wagner	Wesely
Wiitala				

Voting in the negative, 6:

Carsten	Clark	Cullan	Jacobson	Remmers
Von Minden				

Present and not voting, 3:

Abboud	Beutler	Pappas

Excused and not voting, 4:

Fowler	Haberman	Kilgarin	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 72.

A BILL FOR AN ACT to amend section 60-330, Reissue Revised Statutes of Nebraska, 1943, and section 60-301, Revised Statutes Supplement, 1982, relating to motor vehicles; to change a definition; to change provisions relating to registration fees for certain vehicles; to provide a penalty; 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Fenger	Fowler	Goll	Goodrich
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Labedz
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Vickers	Wagner	Wesely	Wiitala	

Voting in the negative, 1:

Von Minden

Present and not voting, 1:

Eret

Excused and not voting, 3:

Haberman Kilgarin Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 75.

A BILL FOR AN ACT to amend section 90-220, Reissue Revised Statutes of Nebraska, 1943, relating to specific conveyances; to change the provisions of certain conveyances; and to repeal the original section.

Whereupon the 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Cullan	DeCamp	Doyle
Eret	Fenger	Fowler	Goll	Goodrich
Hannibal	Hefner	Higgins	Hoagland	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Labedz	Lamb
Landis	Lundy	Marsh	Morehead	Newell
Nichol	Pappas	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Wagner
Wesely	Wiitala			

Voting in the negative, 3:

Clark Jacobson Von Minden

Present and not voting, 1:

Peterson, H.

Excused and not voting, 3:

Haberman Kilgarin Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 98.

A BILL FOR AN ACT to amend section 75-303, Reissue Revised Statutes of Nebraska, 1943, relating to motor carriers; to add a provision relating to the transportation of property by certain motor carriers 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:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	Cullan	DeCamp	Doyle	Eret
Fenger	Fowler	Goll	Goodrich	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Labedz	Lamb
Landis	Lundy	Marsh	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Sieck	Vickers
Von Minden	Wagner	Wesely	Wiitala	

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Beutler

Excused and not voting, 3:

Haberman Kilgarin Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 107.

A BILL FOR AN ACT to amend section 25-1531, Reissue Revised Statutes of Nebraska, 1943, relating to executions; to require notice of the homestead exemption prior to sales 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Cullan	DeCamp	Doyle
Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Vickers	Wagner	Wesely	Wiitala

Voting in the negative, 2:

Clark Von Minden

Excused and not voting, 2:

Kilgarin Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 110.

A BILL FOR AN ACT to amend sections 29-1912, 29-1913, and 29-1922 to 29-1924, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to provide for discovery in cases as prescribed; to change provisions relating to discovery of statements; 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Labedz
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Pirsch

Remmers	Rupp	Schmit	Wagner	Wesely
Wiitala				

Voting in the negative, 4:

Jacobson	Sieck	Vickers	Von Minden

Present and not voting, 2:

Eret	Peterson, R.

Excused and not voting, 2:

Kilgarin	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 135.

A BILL FOR AN ACT relating to zoning; to define terms; to change zoning powers of certain cities; and to regulate planned unit development.

Whereupon the 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hannibal	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Wagner	Wesely	Wiitala		

Voting in the negative, 0.

Excused and not voting, 1:

Warner

A constitutional majority having voted in the affirmative, the

bill was declared passed and the title agreed to.

LEGISLATIVE BILL 145.

A BILL FOR AN ACT to amend section 60-325, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to change the requirements for display of the registration certificate; and to repeal the original section.

Whereupon the 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hannibal	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Wagner	Wesely	Wiitala		

Voting in the negative, 0.

Excused and not voting, 1:

Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 185.

A BILL FOR AN ACT to amend section 48-115, Revised Statutes Supplement, 1982, relating to workmen's compensation; to change provisions relating to a waiver of coverage for certain executive officers of corporations; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	Doyle
Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Remmers	Rupp	Schmit	Sieck
Vickers	Von Minden	Wagner	Wesely	Wiitala

Voting in the negative, 2:

Higgins Pirsch

Excused and not voting, 2:

DeCamp Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

EXPLANATION OF VOTE

Had I been present, I would have voted yes on LB 53, 72, 75, and 98.

I was in my office working with the Public Service Commission on an elevator failure in Lamar, NE that had an approximate 2 million dollar loss impact in my district.

(Signed) Rex Haberman

ATTORNEY GENERAL'S OPINION

Opinion No. 35
March 3, 1983

Dear Senator Beutler:

This is in response to your letter of March 1, 1983, in which you requested our opinion as to the constitutionality of LB 44. Your concern was whether there was a violation of the prohibition against a bill containing more than one subject.

Article III, Section 14, of the Constitution of Nebraska provides in part: "No bill shall contain more than one subject, and the same shall be clearly expressed in the title." The title of LB 44 states that it is an act relating to obsolete sections. It states that it repeals Neb.Rev.Stat.

§15-267, §15-755 to §15-759 (provisions relating to street sprinkling and off street parking), repeals §50-501 to §50-520 (The Nebraska Legislative Emergency Succession and Procedures Act), that it removes §71-507 to §71-515 (certain bedding requirements, that is, provisions for the manufacture, rennovation and use of bedding material under Article 5 on contagious diseases. It should be noted that the title made reference to "bidding" but review of the statute indicates that "bedding" was intended). Further, the title notes that it removes §70-4,161, §70-4,162, §70-4,164 to §70-4,169, §79-1409, §79-1413, §79-1414 (the establishment of a school for the deaf), and that it repeals §83-482 (relating to sentencing to the Department of Correctional Services).

It is well established that "if an act has but one general object, and contains no matter not germane thereto, and the title fairly expresses the subject of the bill, it does not violate Article III, Section 14, of the Constitution." Anderson v. Tiemann, 182 Neb. 393, 155 N.W.2d 322 (1967); Yellow Cab Co. v. Nebraska, 175 Neb. 150, 120 N.W.2d 922 (1963); Rein v. Johnson, 149 Neb. 67, 30 N.W.2d 548 (1947); Beisner v. Cochran, 138 Neb. 445, 293 N.W.2d 289 (1940).

It is necessary to look at the bill and determine if the amendatory sections or repealing sections are part of the subject matter of the bill. According to Van Horn v. State, 46 Neb. 62, 74 (1895), legislation is "single" in subject matter so long as the act has but a single main purpose and object." In determining what that main object is, we must look to the bill itself to ascertain whether or not it contains more than one subject. Id. at 72; and Midwest Popcorn Co. v. Johnson, 152 Neb. 867, 871-72 (1950).

The repeal of obsolete sections is the purpose set out in the title, but a review of the repealed sections fails to show any common thread of a single main purpose other than the elimination of purportedly obsolete programs. The programs eliminated by repeal of the statutes would appear to make up more than one comprehensive subject. It is our opinion that the possibility of obsolescence does not create subject matter commonality among otherwise unrelated statutes. We therefore conclude that there is a question as to the constitutionality of LB 44.

Although your request for an opinion was confined to the issue of subject matter, the fact that there was an error in the spelling of "bedding" in the repeal of §71-507 to §71-715 also causes us some concern. One of the purposes of the title is notice and the connotation of the word "bidding" as compared to the word "bedding" is significantly different. The purpose of the constitutional provision that the subject shall be clearly expressed in the title is to provide that notice of the subject matter of the projected law, through the title to the bill, is given to members of the Legislature and the public. State v. Levell, 181 Neb. 401, 407 (1967). Such an error in the title could result in misunderstanding as to the contents of the bill.

Very truly yours,

PAUL L. DOUGLAS
Attorney General
(Signed) Royce N. Harper
Assistant Attorney General

RNH:jmh
cc: Patrick J. O'Donnell
Clerk of the Legislature

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 9. Placed on General File.

LEGISLATIVE BILL 207. Placed on General File as amended.
Standing Committee amendments to LB 207:
AM0545

1. On page 2, line 4, strike "school districts" and insert "schools"; in line 11, after "district" insert "or any private, denominational, or parochial school"; in line 13 after "district" insert "or any private, denominational, or parochial school"; in line 18 strike "district"; and in line 24 strike "school districts" and insert "schools".
2. On page 3, line 17, strike "district"; and in line 23 after "each" insert "public".

LEGISLATIVE BILL 45. Indefinitely postponed.
LEGISLATIVE BILL 46. Indefinitely postponed.
LEGISLATIVE BILL 160. Indefinitely postponed.
LEGISLATIVE BILL 211. Indefinitely postponed.

(Signed) Tom Vickers, Chairperson

MOTION - Return LB 208 to Select File

Mr. Wesely moved to return LB 208 to Select File for his pending specific amendment, AM0483, found in the Journal on page 693.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The motion to return lost with 8 ayes, 27 nays, and 14 present and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 208.

A BILL FOR AN ACT to amend section 28-611, Reissue Revised Statutes of Nebraska, 1943, relating to bad checks; to increase the fee collected by the county attorney; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hannibal	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Labedz	Lamb	Lundy	Marsh
Morehead	Newell	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Vickers	Von Minden
Wagner	Warner	Wiitala		

Voting in the negative, 5:

Kilgarin	Landis	Nichol	Sieck	Wesely

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 238.

A BILL FOR AN ACT relating to schools; to amend sections 72-202, 85-123, and 85-317, Reissue Revised Statutes of Nebraska, 1943; to provide for the management of certain funds as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp

Doyle	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hannibal	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala				

Voting in the negative, 0.

Present and not voting, 3:

Kahle	Kilgarin	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 298.

A BILL FOR AN ACT to amend section 44-1601, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to change a provision relating to group life insurance requirements 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, 47:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Clark	Cullan	DeCamp	Doyle
Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala			

Voting in the negative, 0.

Present and not voting, 2:

Beutler	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 301.

A BILL FOR AN ACT relating to insurance; to provide for investments of an insurance company in certain funds.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Cullan	DeCamp	Doyle
Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Sieck	Vickers	Von Minden	Wagner
Wesely	Wiitala			

Voting in the negative, 0.

Present and not voting, 2:

Chambers Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 382. With Emergency.

A BILL FOR AN ACT to amend section 8-407.03, Revised Statutes Supplement, 1982, relating to industrial loan and investment companies; to prolong the period for obtaining certain coverage 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, 49:

Abboud	Barrett	Beutler	Beyer	Carsten

Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hannibal	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Wiitala	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 383. With Emergency.

A BILL FOR AN ACT to amend section 81-550, Reissue Revised Statutes of Nebraska, 1943, relating to the State Fire Marshal; to change a provision relating to certain assessments 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, 49:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hannibal	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Wiitala	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and

the title agreed to.

LEGISLATIVE BILL 417. With Emergency.

A BILL FOR AN ACT to amend section 43-512.05, Revised Statutes Supplement, 1982, relating to child support; to modify provisions relating to reimbursement for costs; to eliminate a collection service fee; to repeal the original section, and also section 42-358.09, Revised Statutes Supplement, 1982; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hannibal	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Wiitala	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 421. With Emergency.

A BILL FOR AN ACT relating to bonds; to amend sections 2-1302, 10-101, 10-118.01, 10-120, 10-503, and 10-613, Reissue Revised Statutes of Nebraska, 1943; to define terms; to authorize the issuance of fully registered bonds; to provide duties; to change provisions relating to the payment of bonds issued by the state; to change provisions relating to the issuance of refunding bonds; to eliminate a restriction on the sale of certain bonds; to provide conditions for the issuance of refunding bonds; to provide for construction of the act; to eliminate provisions relating to redemption of bonds of cities of the first class; to eliminate a registration requirement; to harmonize provisions; to eliminate provisions on the issuance and registration of

school district bonds; to repeal conditions on the sale of sewerage bonds and use of interest coupons; to provide severability; to repeal the original sections, and also sections 10-104, 10-116, 10-601 to 10-605, 10-706, 10-708 to 10-710, 16-724, and 17-152, 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, 48:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hannibal	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Von Minden	Wagner
Warner	Wesely	Wiitala		

Voting in the negative, 0.

Present and not voting, 1:

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 522. With Emergency.

A BILL FOR AN ACT relating to conveyances; to authorize a sale of state land by the Department of Correctional Services; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Eret	Fenger	Fowler	Goll

Goodrich	Haberman	Hannibal	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Wiitala	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 44 to Select File

Mr. Hoagland moved to return LB 44 to Select File for the following specific amendment:

Page 1, line 9, strike "bidding" and insert "bedding"

Page 3, line 3, following "79-1409", strike the comma and insert "to".

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hoagland motion to return prevailed with 27 ayes, 0 nays, and 22 present and not voting.

SELECT FILE

LEGISLATIVE BILL 44. The Hoagland specific amendment found in this day's Journal was adopted with 38 ayes, 0 nays, and 11 present and not voting.

Advanced to E & R for Re-Engrossment.

ANNOUNCEMENT

TO: All State Senators
FROM: Senator William Nichol, Speaker
DATE: February 28, 1983
RE: Priority Bill Designation

Pursuant to Rule 5, Section 6, the priority bills must be designated by members, committees and the Speaker, prior to the forty-fifth (45th)

legislative day. The Rule also states that the Speaker may designate the annual designation deadline for submission of priority bill requests. This year, the forty-fifth (45th) legislative day will fall on March 16, 1983; consequently, I would request that the Committee Chairpersons submit the Committee priority bills (2), and each Senator submit his individual priority bill designation to my office by noon, Monday, March 14, 1983. This will afford me, as Speaker, twenty-four (24) hours to review the remaining bills for possible designation as Speaker priority bills by the required time period which, of course, is noon, Tuesday, March 15, 1983 (forty-fourth (44th) legislative day).

Please visit with me should you have questions about other bills being designated as priority bills. Of course, I'll be happy to visit with any of you regarding this procedure. Should you have any questions please don't hesitate to contact me.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 612 Thursday, March 10, 1983 1:30 p.m.

(Signed) David Landis, Chairperson

ANNOUNCEMENT

Mr. DeCamp announced the Banking, Commerce and Insurance Committee will hold an Executive Session on Monday, March 7th, beginning at 1:30 p.m. in Room 1117.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 466 in the Journal. No objections. So ordered.

1. On page 5, line 13, after the underscored period insert "No money in the Nongame and Endangered Species Conservation Fund shall be used to acquire any interest in real property.".

ATTORNEY GENERAL'S OPINION

Opinion No. 33
February 25, 1983

Dear Senator H. Peterson:

This is in response to your letter of February 24, 1982, in which you ask whether Gerald Koch is eligible for appointment as a board member to the Nebraska State Board of Educational Lands and Funds, given provisions of Neb.Rev.Stat. §72-201(2) (Reissue 1981), which prohibit

appointment of persons to that board who are "actively engaged in the teaching profession."

You have informed us that your question is based upon the fact that the Legislature will be asked to decide whether to confirm the proposed appointment of Mr. Koch to the Nebraska State Board of Educational Lands and Funds.

We conclude that Neb.Rev.Stat. §72-201(2) could apply to make Mr. Koch ineligible for appointment as a board member to the Nebraska State Board of Educational Lands and Funds.

Neb.Rev.Stat. §72-201(2) provides, insofar as relevant here, that "no person shall be eligible to membership on the board who is actively engaged in the teaching profession."

The task is therefore to identify the class defined by the terms "engaged in the teaching profession." If Mr. Koch falls within that classification, he should be regarded as ineligible for appointment according to the provisions of §72-201(1).

In defining said terms, the intent of the Legislature is paramount and may be determined by reference to the history of the legislation, as well as to other statutes pertaining to the same subject matter as the legislation in question. State v. Opela, 108 Neb. 821, 189 N.W. 159 (1922), Hergott v. Nebraska State Railway Commission, 145 Neb. 100, 15 N.W.2d 418 (1944).

Although the legislative history of §72-201(2) offers no insight regarding the legislative intent in defining the class of persons "engaged in the teaching profession," we do find that the Legislature has declared the teaching profession to include "... related services including administrative and supervisory services." Neb.Rev.Stat. §79-1280 (Reissue 1981).

By reading §72-201(2) with reference to §79-1280, it is apparent that persons "engaged in the teaching profession," as used in §72-201(2), would include persons engaged in providing services directly to teaching, including administrative and supervisory services.

The issue is therefore whether Mr. Koch is engaged in such services to an extent which would require him to be regarded as directly involved in services related to teaching, including administrative and supervisory services. The answer to such question would depend upon the facts of Mr. Koch's employment with reference to the applicable law which we have cited.

The facts are:

1. Gerald Koch is presently employed as Secretary/Treasurer, and lobbyist, for a Nebraska non-profit corporation known as the Omaha Suburban Area Council of Schools (OSAC) (according to the corporation's Biennial Report for 1982 and 1983). The responsibilities of his position require him to be actively engaged in achieving the objectives and purposes of the corporation.

2. The objectives and purposes of the OSAC are: a) to maintain liaison with the several governmental agencies providing funds for educational purposes; b) to maintain a liaison with the various

legislative bodies whose acts affect the members of the corporation; and c) to enter into all contracts necessary to the attainment of the corporate objectives. (OSAC Nebraska Articles of Incorporation, filed January 6, 1967.)

3. The school districts represented by the OSAC are members of the corporation. (OSAC Nebraska Articles of Incorporation, filed January 6, 1967.)

Given that the school districts represented by OSAC are part of that corporation, and further given that Mr. Koch is employed by OSAC as an officer of that corporation who is actively engaged in the furtherance of the corporation's goals, he could properly be regarded as an administrator who is actively employed by the districts which the corporation represents.

Such conclusion is not inconsistent with Neb.Rev.Stat. §79-441 (Reissue 1981), which would allow the district board to hire "necessary personnel;" and is further consistent with the fact that members of a school district act in a representative capacity, not as individuals, when transacting the business of a school district. Greer v. Chelewski, 162 Neb. 450, 76 N.W.2d 438 (1956).

In the language of §72-201 and §79-1280, Mr. Koch's duties as Secretary/Treasurer of OSAC and as lobbyist for that organization could properly be regarded as a "related service," if not "administrative service," which require him to be engaged in the teaching profession.

The foregoing analysis would indicate that Gerald Koch is probably ineligible for appointment as a board member to the Nebraska State Board of Educational Lands and Funds. However, the final determination of whether Mr. Koch should be appointed is a question of fact to be determined by the Legislature.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Frank J. Hutfless
Assistant Attorney General

FJH:jmh
Attachments.
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 34
February 28, 1983

Dear Senator DeCamp:

This is in response to your letter of February 8, 1983, in which you requested our opinion as to the constitutionality of LB 606 and 603. Your concern was whether there was a violation of the prohibition

against a bill containing more than one subject. In this letter we address LB 603 first because it is a longer and more complicated bill.

Article III, Section 14, of the Constitution of Nebraska provides in part: "No bill shall contain more than one subject, and the same shall be clearly expressed in the title." The title of LB 603 states that it is an act relating to state administrative departments.

It is necessary to look at the bill and determine if the amendatory sections are part of the subject matter of the bill. According to Van Horn v. State, 46 Neb. 62, 74 (1895), legislation is "single" in subject matter "so long as the act has but a single main purpose and object." In determining what that main object is we must look to the bill itself to ascertain whether or not it contains more than one subject. Id. at 72; and Midwest Popcorn Co. v. Johnson, 152 Neb. 867, 871-72 (1950).

Sections 1, 2, 3 and 4 amends §11-201 et seq., to transfer the duties of the Risk Manager to the Director of Administrative Services. Sections 5, 6 and 7 amends §44-1622 et seq., to authorize the Director of the Department of Administrative Services to carry out insurance duties formerly handled by the Risk Manager. Sections 8 through 13 amends §48-194 et seq., to provide for the Secretary of the State Claims Board on the advice of the Attorney General to investigate, administer, pay and settle Workmen's Compensation Claims. Section 14 amends §60-1008 to provide that the Director of Administrative Services (rather than Risk Manager) shall purchase liability for state vehicles. Sections 15 through 21 of §81-173 et seq., provides for the establishment of a Task Force for building renewal in the Department of Administrative Services. Section 22 amends §81-8,212 to provide that all tort claims shall be filed with the secretary of the State Claims Board rather than with the Risk Manager. Section 23 amends §81-8,220 to provide that the Director of Administrative Services shall be the chairperson of the board. Sections 24, 25, 26, 27 and 28 provides that the Secretary of the State Claims Board and the Attorney General shall administer the judgments under the Tort Claim Act and report to the Legislature. Section 29 amends §81-8,239.01 et seq., to provide that the Director of the Department of Administrative Services shall administer the Risk Management Program by identifying exposure to the risk of loss, determine the appropriate method of dealing with the exposure, and negotiate and contract the insurance which is necessary.

Each of the provisions in LB 603 addresses the transfer of certain duties and authority to the Department of Administrative Services, and it may, therefore be said that the act has a single main purpose and object.

It is well established that "if an act has but one general object, no matter how broad that object may be, and contains no matter not germane thereto, and the title fairly expresses the subject of the bill, it does not violate Article III, Section 14, of the Constitution." (Emphasis added). Anderson v. Tiemann, 182 Neb. 393, 155 N.W.2d 322 (1967); Yellow Cab Co. v. Nebraska, 175 Neb. 150, 120 N.W.2d 922 (1963); Rein v. Johnson, 149 Neb. 67, 30 N.W.2d 548 (1947); Beisner v.

Cochran, 138 Neb. 445, 293 N.W. 289 (1940).

Although regulation of state administrative departments is a broad legislative object, that object is not so broadly defined as to fall outside the purview of Article III, Section 14, of the Nebraska Constitution. The Supreme Court of Nebraska has defined the single object of a legislative bill as broadly as simply "taxation." Anderson v. Tiemann, 182 Neb. 393, 155 N.W.2d 322 (1967).

Given the Nebraska Supreme Court's consistently broad interpretation of legislative language, when combined with general rules of statutory construction, the conclusion must be that LB 603 should be construed to contain solely one comprehensive subject.

Each of the provisions of LB 603 is included within the general subject, "state administrative departments" and is consistent with the intent of the bill which is to transfer duties and authority to the Department of Administrative Services. It is axiomatic that "(w)here a statute is susceptible of two constructions, one of which renders it constitutional and the other unconstitutional, it is the duty of the court to adopt the construction which, without doing violence to the fair meaning of the statute, will render it valid." Anderson v. Tiemann, 182 Neb. 393, 155 N.W.2d 322 (1967); State ex rel. Meyer v. County of Lancaster, 173 Neb. 195, 113 N.W.2d 63 (1962); Beisner v. Cochran, 138 Neb. 45, 293 N.W.289 (1940). Where reasonable doubts exist with regard to the manner in which a statute is construed, such doubts must be resolved in favor of constitutionality. Peterson v. Hancock, 155 Neb. 167, 30 N.W.2d 85 (1952); Sommerville v. Johnson, 149 Neb. 167, 30 N.W.2d 577 (1948); Nelson v. Tilley, 137 Neb. 327, 289 N.W. 388 (1939).

LB 603 should be found constitutionally valid as it solely addresses matters germane to the transfer of duties and authority to the Department of Administrative Services in the operation of state administrative departments.

Whether provisions of proposed legislation are germane to the statutes they seek to amend must be investigated in addition to examining whether the sections of a particular bill relate to one general topic. LB 603 bears the same relationship to the amended statutes as it does to the other provisions of LB 603 because in each instance only one general topic, "Operation of State Administrative Departments" is addressed.

In view of the above it is the opinion of this office that LB 603 addresses one subject, that the requirements of Article III, Section 14 of the Nebraska Constitution have sufficiently been met, and the bill should be upheld as valid and enforceable.

In regard to LB 606, an application of the basic principles set out above lead us to have some concern about the constitutionality of the bill.

Section 1 of LB 606 amends §81-8,2555, which establishes the Nebraska Commission of the Status of Women. Section 3 of the bill provides for the repeal of §§81-1162 to 81-1169 which is the Forms

Management Program Act providing for the establishment of a forms management center within the Department of Administrative Services for the coordination, orderly design, implementation, and maintenance of a state agency forms management program. Section 3 also repeals §§81-1346 to 81-1348, which is the Employee suggestion system program implemented by the Director of Personnel. Further it repeals §§43-1301 to 43-1318 which established the State Foster Care Review Board for the purpose of reviewing all Foster Care placements by any child placing agency or court.

The first consideration is whether the subject matter of Section 3 (the repealing section) is part of the subject matter of the bill. In essence the bill amends the composition of the Commission on the Status of Women and eliminates three other programs. The programs eliminated by the repeal of the statutes would appear to make up more than one comprehensive subject. Although each of the programs provide for a board with membership (with the exception of the Forms Management Program) the substance of each is different and not germane to the subject set out in the title. A reading of the repealed statutes in terms of the act fails to show any common thread of single main purpose, other than the elimination of programs. In view of the above, it is our opinion that LB 606 is constitutionally suspect.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Royce N. Harper
Assistant Attorney General

RNH:ekj
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Member Excused

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 542A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 129. Considered.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 24. Read. Considered

LR 24 was adopted with 43 ayes, 0 nays, and 6 not voting.

GENERAL FILE

LEGISLATIVE BILL 129. Considered.

Mr. Hannibal offered the following amendment:
AM0568
1. On page 2, line 26, after "county" insert "if such election procedure is approved by the voters of such county by a majority vote. Such issue shall be submitted at the first general election held after the effective date of this act.".
2. On page 4, line 8, strike "operative" and insert "effective".
3. Strike section 2.
4. Renumber remaining sections accordingly.

Mr. Clark asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. R. Johnson 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 Hannibal amendment was adopted with 26 ayes, 11 nays, 10 present and not voting, and 2 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills and resolution: LB's 53, 72, 75, 98, 107, 110, 135, 145, 185, 208, 238, 298, 301, 382, 383, 417, 421, 522, and LR 24.

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following amendment to LB 194 in the Journal. No objections. So ordered.

1. On page 2, reinstate the stricken matter beginning with "(1)" on line 8 through the comma on line 13.

NOTICE OF COMMITTEE HEARING
Revenue

(Signed) Calvin F. Carsten, Chairperson

MOTION - Place LB 456 on General File

Messrs. Newell and Lundy moved to place LB 456 on General File, notwithstanding the action of the committee, pursuant to Rule 3, Section 16.

Laid over.

ANNOUNCEMENT

Mr. V. Johnson announced there will be a Legislative Council Executive Board meeting on March 4, 1983, at 1:00 p.m. in Room 2102 of the State Capitol.

STANDING COMMITTEE REPORTS
Government, Military & Veterans Affairs

LEGISLATIVE BILL 108. Placed on General File as amended.
Standing Committee amendment to LB 108:
AM0548

1. On page 3, line 17, strike "Personally", show as stricken and insert "With respect to public utilities, personally"; and in line 18 after "information" insert ", credit information on others supplied in confidence, and customer lists; and" and strike "held by public utilities; and" and show the old matter as stricken.

LEGISLATIVE BILL 463. Placed on General File as amended.
Standing Committee amendment to LB 463:
AM0547

1. On page 2, beginning with "fee" in line 12 through the period in line 15, strike the new matter and reinstate the stricken matter; and strike beginning with "The" in line 15 through the period in line 16 and show the old matter as stricken.

(Signed) David Landis, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 216. Placed on General File.

(Signed) Steve Fowler, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 36
February 28, 1983

Dear Senator DeCamp:

You have submitted to us a copy of a proposed bill to amend the Nebraska Franchise Tax imposed on corporations, and have asked our opinion as to its constitutional validity. The obvious purpose of the bill is to correct the probable invalidity of the present law, in light of the January 24, 1983 decision of the United States Supreme Court in Memphis Bank & Trust Company v. Garner, and, at the same time, to minimize the effect of that case on the state revenues.

Memphis Bank & Trust Company held that a state tax which imposes a greater burden on the holders of federal securities than on the holders of similar state securities discriminated against the federal securities, and was forbidden by 31 U.S.C. §742. In our Opinion No. 29, dated February 24, 1983, we reached the conclusion that our franchise tax on corporations apparently involved such discrimination.

Section 2(1) (a) of your proposed bill would eliminate this discrimination by subtracting from federal taxable income, for the purpose of the franchise tax, interest earned on obligations of the United States, its agencies and instrumentalities. This would, in our opinion, clearly eliminate the discrimination held to be impermissible by Memphis Bank & Trust Company.

The attempt to minimize the revenue loss is found in Section 2(1) (b) of the bill. This subsection provides that there shall be added back to the federal taxable income 100 percent of the investment interest expense incurred by the taxpayer to purchase and maintain securities exempt from taxation.

Section 2(2) and (3) provide the method for determining the investment interest expense incurred to purchase and maintain securities exempt from taxation. We will not set these provisions forth in full, but briefly, the expense is determined by calculating the ratio of exempt securities to total assets of the corporation, and multiplying that ratio by the taxpayer's total annual interest expense. The resultant figure is then added back to the taxpayer's taxable income.

The rationale of the system seems to be supportable. If the taxpayer holds exempt securities, and at the same time has obligations upon which it pays interest, it seems reasonable to say that a proportionate share of those obligations were incurred or maintained to acquire or hold the exempt securities. Interest paid is ordinarily an expense, reducing taxable income. If that expense is incurred to hold exempt securities, which do not add to taxable income, it is reasonable to disallow the interest expense required to hold them. Since that interest expense has already been deducted, it is "disallowed" by adding it back in.

The Legislature has broad discretion in fashioning its tax laws, so long as unreasonable class legislation is not involved. As the court said in Anderson v. Tiemann, 182 Neb. 393, 155 N.W.2d 322 (1967), the wisdom of legislative policies is a matter for legislation rather than judicial decision. We would be prepared to defend such a policy, if enacted by the Legislature.

It cannot be said to be discriminatory against federal securities, since the ratio is calculated using all exempt securities, not just federal securities.

We believe a couple of changes would clarify the bill, and perhaps avoid attacks based on lack of clarity or unreasonable classification. Section 2(3)(a) defines securities exempt from taxation as obligations specified in subdivision (1) (a) of Section 2 and "securities exempt from gross income under 26 U.S.C. section 103." We believe the quoted portion should read "securities the interest on which is excluded from gross income under 26 U.S.C. section 103," since the securites themselves, of course, could never be included in gross income.

Section 2(3)(b) of the proposed bill provides for calculation of the average annual investment in exempt securities and average total assets. It provides a normal method of calculating these amounts, and then provides "the average amounts may be determined based on interim balance sheets during the year if more frequent measurement can be shown by the Tax Commissioner or the taxpayer to more clearly reflect the investment in exempt securities." We point out that the ratio to be determined is the ratio between exempt securities and total assets. It might be that the total assets, as well as exempt securities, might be more clearly reflected by more frequent measurement, but the bill does not provide for alternate determination to correct inaccuracies in the calculation of total assets. We believe a possible classification argument might be avoided by adding "or total assets" at the end of the sentence in question.

With these minor corrections, we believe the bill, if enacted, would be defensible.

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

RHG/cmb/m2
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. Chambers asked unanimous consent to have his name withdrawn as co-introducer to LB 129. No objections. So ordered.

VISITORS

Visitors to the Chamber were Mattie Rumery; M. L. Rumery and wife, Pauline, their daughter, Kris Anne; Margene Phares and husband, Bob, their children, Brad, Brian, and Amy; Gene and Ardys Stadler; Dr. Jack Elliot from North Platte; Nancy Hoke from Nebraska City; Nester Garcia from Brule; and 14 fifth grade students and teacher from Alda.

ADJOURNMENT

At 12:15 p.m., on a motion by Mr. Wiitala, the Legislature adjourned until 9:00 a.m., Friday, March 4, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-EIGHTH DAY - MARCH 4, 1983

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 4, 1983

Pursuant to adjournment, the Legislature met at 9:05 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Pastor Walt Cline, First Church of the Open Bible, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Hoagland who was excused; and Miss Kilgarin, Mesdames Labedz, Marsh, Messrs. Beyer, Fowler, V. Johnson, Newell, Warner, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 761, line 6, correct spelling of "Hoch."
The Journal for the Thirty-Seventh Day was approved as corrected.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 542A. Placed on Select File.

(Signed) Rod Johnson, Chairperson

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

The Banking, Commerce, and Insurance Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Donald N. Dworak - Director of the Department of Economic

Development

VOTE: Aye: Senators Beyer, Clark, Haberman, Labedz, Newell, Remmers, Schmit, DeCamp. Nay: None. Absent: None.

(Signed) John W. DeCamp, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 112 in the Journal. No objections. So ordered.

AM0395

1. Strike the original sections and insert the following new sections:

"Section 1. It is the intent of the Legislature that a statewide program be established to provide high risk pregnant women with specialized obstetrical care. The program should provide geographically localized support and services not otherwise available in these areas of the state for prenatal care. The purpose of the program shall be to provide that favorable medical and obstetrical conditions exist for the safe and healthy birth of all children in this state.

Sec. 2. The program established by sections 1 to 4 of this act shall be administered by the Department of Health and the funds provided for the program shall be in addition to the funds appropriated to the Maternal and Child Health Fund pursuant to sections 71-2201 to 71-2208. The department shall adopt and promulgate rules and regulations to administer sections 1 to 8 of this act.

Sec. 3. (1) There is hereby established a program to be administered by the Department of Health to be known as the high risk pregnancy support program. A pregnant woman shall be eligible for participation in the program if:

(a) She is a resident of the state or is living in the state voluntarily with the intent of making Nebraska her home;

(b) Her physician has requested specialized medical care or advice based upon her high risk condition; and

(c) Her attending physician provides proof that he or she has consulted with another physician who specializes in treating high risk pregnancies and who concurs that she is experiencing a high risk pregnancy.

(2) For purposes of this section, a high risk pregnancy or condition shall mean:

(a) Premature labor or delivery at less than thirty-seven weeks of pregnancy;

(b) Vaginal bleeding after the twentieth week of pregnancy;

(c) Premature rupture of membranes at less than thirty-seven weeks of pregnancy;

(d) Toxemia or pregnancy-induced hypertension prior to thirty-seven weeks of pregnancy;

(e) Multiple fetuses diagnosed prior to the thirty-seventh week of pregnancy;

(f) Diabetes, except for extremely mild cases; or

(g) Pregnancy diagnosed by a physician as beginning prior to the pregnant woman reaching eighteen years of age.

(3) The high risk pregnancy support program shall provide funding for special medical treatment for high risk pregnant women in the state. Upon application to the Department of Health, the department shall determine whether a pregnant woman is eligible for the high risk pregnancy support program. Application may be made by the pregnant woman, by the attending physician, or by the consulting specialist. In addition to the eligibility requirements specified in subsection (1) of this section, the department shall establish a uniform standard of financial eligibility for the services under the high risk pregnancy support program for women who do not have sufficient insurance, medical assistance, or other financial means to pay for such special medical treatment. Such formula for payment shall provide for reimbursement at rates similar to those set by other federal and state programs and private entitlements, but shall not exceed one hundred per cent of the rates paid on the effective date of this act for similar services by the major health insurance company contracted by the State of Nebraska. All payments to providers shall be used in support of the program for services established under sections 1 to 4 of this act. The payments shall be made by the department to the providers of medical services as prescribed by the consultants for these high risk pregnancies. Payments shall also be made for any fees or costs relating to high risk pregnancies for diagnostic or preventive services and supplies, including lab tests and procedures, amniocentesis, oxytocin-challenge tests, and serum trials, prescribed drugs, transportation to special medical facilities, and

other special physician fees, including anesthesiologist fees. The department may provide for reimbursement of other necessary fees and medical costs specifically related to the high risk pregnancies.

Sec. 4. There is hereby created a High Risk Pregnancy Support Fund to be administered by the Department of Health. Any money in the High Risk Pregnancy Support Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269. There is hereby appropriated one hundred thousand dollars for fiscal year 1983-84 from the General Fund for the High Risk Pregnancy Support Fund. The fund shall be used to pay providers for their services and for other costs as provided in section 3 of this act.

Sec. 5. There is hereby established the High Risk Pregnancy Advisory Committee to consist of not more than fourteen members appointed by the Director of Health. The members shall be selected so as to ensure statewide geographic representation and shall consist of obstetricians, neonatologists, and family practitioners. The appointments provided for in this section shall be made within fifteen days after the effective date of this act.

Sec. 6. It shall be the duty of the advisory committee created in section 5 of this act to:

(1) Annually report to the Public Health and Welfare Committee of the Legislature its findings and recommendations;

(2) Delineate complications of the high risk pregnancy conditions set forth in subsection (2) of section 3 of this act;

(3) Monitor the reimbursement process established in subsection (3) of section 3 of this act;

(4) Develop and maintain a list of physicians in this state who specialize in treating high risk pregnancies;

(5) Develop and maintain a list of medical facilities which offer specialized treatment of high risk pregnancies;

(6) Approve medical protocol for treating the conditions set forth in subsection (2) of section 3 of this act; and

(7) Annually report to the Department of Health its findings and recommendations.

Sec. 7. It shall be the purpose of the advisory committee created in section 5 of this act to:

(1) Recommend to the Public Health and Welfare

Committee of the Legislature any recommendations or changes to the high risk pregnancy support program established in sections 1 to 4 of this act; and

(2) Offer recommendations and advise the Department of Health regarding the operation of the high risk pregnancy support program established in sections 1 to 4 of this act.

Sec. 8. The appointed members of the advisory committee shall be reimbursed for their actual and necessary expenses as provided in sections 84-306.01 to 84-306.05 for state employees for no more than eight meetings in fiscal year 1983-84 and for no more than six meetings per year thereafter.

Sec. 9. (1) The Department of Health shall develop a curriculum and establish and administer a program providing parental education materials to facilities throughout this state. The facilities provided with such materials shall include, but not be limited to, public and private hospitals and postsecondary educational institutions. Such materials shall emphasize child development and shall include information on maternal, infant, and child nutrition, child abuse, and the physical, emotional, social, and intellectual growth of infants and children.

(2) There is hereby appropriated ten thousand dollars for fiscal year 1983-84 from the General Fund to the Department of Health for the development of curriculum and the administration of the educational materials program established pursuant to subsection (1) of this section.

Sec. 10. There is hereby created a fund to be administered by the Department of Health which shall consist of money appropriated to it by the Legislature to be known as the Women and Infant Care Fund. The money in this fund shall be used to pay the costs of the federal nutritional program known as the Special Supplemental Food Program for Women, Infants, and Children in this state, at such time that federal funds for this purpose are insufficient, as determined by the Department of Health. The Women and Infant Care Fund shall be used only for the costs incurred by the Department of Health for such federal program.

There is hereby appropriated ten thousand dollars from the General Fund to the Women and Infant Care Fund created in this section for fiscal year 1983-84.

Sec. 11. (1) The Department of Health shall refer any pregnant woman who applies for or is

participating in the Nebraska Birth Defects Prevention Program, the Nebraska Statewide Family Planning Program, or the Special Supplemental Food Progrm for Women, Infants, and Children to the high risk pregnancy support program administered by the department. Any pregnant woman applying for or participating in the high risk pregnancy support program of the Department of Health shall be referred to such genetic counseling or family planning services or nutritional programs of the department.

(2) The Department of Public Welfare shall refer any person applying for or receiving public assistance who may be eligible for the programs specified in subsection (1) of this section to the Department of Health. The Department of Health shall refer any person applying for or participating in any program specified in subsection (1) of this section who may be eligible for public assistance to the Department of Public Welfare."

REPORT

Received annual report from Department of Correctional Services.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 4, 1983, at 8:55 a.m., were the following bills: 53, 72, 75, 98, 107, 110, 135, 145, 185, 208, 238, 298, 301, 382, 383, 417, 421, and 522.

(Signed) Pamela Moravec, Enrolling Clerk

RESOLUTION

LEGISLATIVE RESOLUTION 30. Read. Considered.

LR 30 was adopted with 28 ayes, 0 nays, and 21 not voting.

MOTION - Proposed Rule Change

Mr. Von Minden renewed his pending proposed rule change found in the Journal on page 491.

Mr. Jacobson offered the Rules Committee amendment found in the Journal on page 707.

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.

The Rules Committee amendment was adopted with 25 ayes, 12 nays, 6 present and not voting, and 6 excused and not voting.

Mrs. Higgins offered the following amendment to the rule change:

Strike "while Committee conducts an Executive Session".

Mr. Lundy 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 28 ayes, 0 nays, and 21 not voting.

The Higgins amendment lost with 11 ayes, 17 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Newell offered the following amendment:

Amend the Rule Change to require smoking and non-smoking sections!

Mr. Chambers moved to change the Speaker's order to permit continued debate on the proposed rules change.

Mr. Sieck moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Chambers motion to overrule the Speaker's order prevailed with 30 ayes, 8 nays, 5 present and not voting, and 6 excused and not voting.

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 Newell amendment lost with 11 ayes, 22 nays, 11 present and not voting, and 5 excused and not voting.

Mr. Vickers moved to indefinitely postpone the Von Minden rule change.

Messrs. Goll and Pappas asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 6 nays, and 17 not voting.

The Vickers motion to indefinitely postpone the rule change lost with 11 ayes, 21 nays, 10 present and not voting, and 7 excused and not voting.

Mr. DeCamp moved to suspend the rules, Rule 7, Section 3 and Rule 2, Section 10 and vote on the adoption of the proposed rules change without further amendment or debate.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The DeCamp motion to suspend rules prevailed with 30 ayes, 2 nays, 11 present and not voting, and 6 excused and not voting.

Mr. Von Minden 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 proposed rule change.

Voting in the affirmative, 32:

Abboud	Barrett	Beutler	Chronister	Cullan
DeCamp	Doyle	Eret	Fowler	Haberman
Hefner	Jacobson	Johnson, L.	Kahle	Lamb
Landis	Marsh	Morehead	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Sieck	Von Minden	Wagner	Warner
Wesely	Wiitala			

Voting in the negative, 6:

Carsten	Clark	Fenger	Hannibal	Higgins
Newell				

Present and not voting, 4:

Chambers	Johnson, R.	Labedz	Vickers

Absent and not voting, 1:

Goodrich

Excused and not voting, 6:

Beyer	Goll	Hoagland	Johnson, V.	Kilgarin
Lundy				

The Von Minden rule change, as amended, was adopted with 32 ayes, 6 nays, 4 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 573 in the Journal. No objections. So ordered.

On page 4, line 12, strike "may" insert "shall"
On page 4, line 17, strike "may" insert "shall"
On page 4, line 21, strike "may" insert "shall"
On page 7, line 1, strike "may" insert "shall"
On page 7, line 9, strike "may" insert "shall"
On page 7, line 12, strike "may" insert "shall"
On page 7, line 17, strike "may" insert "shall"

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

Your Committee on Government, Military and Veterans Affairs whose Chairperson is Senator Landis to whom was referred the following gubernatorial appointments, reports the same back to the Legislature with the recommendation that the appointments be approved by the Legislature. The Committee suggests a record vote.

Clifton A. Sexton, Jr. - Director, Department of Administrative Services
John Auer - Director, Department of Aeronautics
Wallace M. Barnett - State Fire Marshal

Senator Cullan moved to approve the appointments, seconded by Senator Chambers. Voting yes: Senators Beutler, Chambers, Cullan, Goll, Higgins, Johnson, Landis, Vickers. Voting no: None

(Signed) David Landis, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 3, 1983. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell

Clerk of the Legislature

Allan, Vernon A. - Scottsbluff, United Telephone Company of the West
Boehmer, Edwin C. - Omaha, Cornhusker Casualty Company
Crosby, Guenzel, Davis, Kessner & Kuester:
Seglin, Steven G. - Lincoln, Lower Platte South NRD
Erickson, Sederstrom, Leigh, Eisenstatt, Johnson, Kinnamon, Koukol, & Fortune, P.C.:
Stenberg, Don - Lincoln, Nebraska Land Title Association
Thone, Charles - Lincoln, Nebraska Land Title Association
Folsom, Sallie S. - Grand Island, Nebraska Republican Party
Gordon, James E. - Lincoln, DeHart Associates Inc.
Holdt, Leland L.S. - Lincoln, (Withdrawn 2-23-83), Security Mutual Life Insurance Company of Lincoln, Nebraska
Kelley, Michael - Omaha, Horsemen Benevolent Protective Association
McEniry, Glenn J. - Lincoln, (Withdrawn 3-1-83), Nebraska Association of Commerce & Industry
Moore, Kathy - Omaha, Legislative Coalition for Children
Palmer, Betsy - Lincoln, Erickson, Sederstrom, Leigh, Eisenstatt, Johnson, Kinnamon, Koukol & Fortune, P.C.
Rasmussen, Ross H. - Hooper, Regional Veterinary College Task Force
Ryan, James E. - Lincoln, International Game Technology

MOTION - Withdraw LB 501

Mr. Schmit moved to withdraw LB 501.

Laid over.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 14. Placed on General File.

LEGISLATIVE BILL 570. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 568A. By Vickers, 38th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 568, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 585A. By Vickers, 38th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 585, Eighty-eighth Legislature, First Session, 1983.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 465 in the Journal. No objections. So ordered.

AM0572

1. Insert the following new sections:

"Sec. 3. That section 79-801, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-801. The territory embraced within the corporate limits of each incorporated city or village in the State of Nebraska, together with such additional territory and additions to such city or village as may be added thereto, as declared by ordinances to be boundaries of such city or village, having a population of more than one thousand and less than one hundred thousand inhabitants, including such adjacent territory as now is or hereafter may be attached for school purposes, shall constitute a school district of the third class and be known by the name of The School District of (name of city or village), in the county of (name of county), in the State of Nebraska. As such in that name, the district shall be a body corporate and possess all the usual powers of a corporation for public purposes, and in that name and style may sue and be sued, purchase, hold, and sell such personal and real estate, and control such obligations as are authorized by law. The title to all school buildings or other property, real or personal, owned by any school district within the corporate limits of any city or village, shall, upon the organization of the district, vest immediately in the new district; and the board of education of the new district shall have exclusive control of the same for all purposes herein contemplated; PROVIDED, that where the territory annexed by a change of boundaries of such city has been part of any ~~a Class IV, V, or VI~~ school district for more than one year prior thereto, ~~having been annexed by petition,~~ the question as to which district the annexed territory shall be part of shall be negotiated by the school boards of the school districts involved. If the

majority of the members of each school board cannot reach agreement on such question within ninety days after the effective date of the city annexation ordinance, the question shall be submitted for binding arbitration to the Nebraska School District Boundary Arbitration Board pursuant to section 4 of this act. ~~of which school district the annexed territory shall be a part of shall be placed on the ballot for the next primary or general election. The registered voters of all Class I districts which form the annexed territory shall then vote on the question at such election. When a city or village subject to this section annexes territory in which registered voters reside and which has been part of a Class III school district for more than one year prior thereto, the issue of whether the area annexed shall remain a part of its current school district or whether it shall become part of the school district of the annexing city or village shall be submitted to the registered voters of the area annexed. The issue may be submitted at a primary, general, or special election. The election shall be conducted in the same manner, as nearly as possible, as other elections in such school district are conducted. Notice of the election to be held pursuant to this section shall be published at least once each week for three weeks prior to the election. The governing board of the school district of the annexing city or village shall call for the election and shall pay the costs of such election. A simple majority of votes cast shall resolve the issue.~~

If, within the boundaries of the annexed territory, there exists any ~~a Class VI school, the~~ school building, facilities, and land owned by ~~the~~ any district, such property shall remain a part of the ~~Class VI~~ district notwithstanding any action taken by the school boards and notwithstanding the ~~result of such election~~ decision of the District Boundary Arbitration Board.

If the ~~Class VI~~ district wishes to dispose of such school building, facilities, or land to any individual or political subdivision, ~~including a Class I school district,~~ the question of such disposition shall be placed on the ballot for the next primary or general election. All registered voters of such ~~Class VI~~ district shall then vote on the question at such election. A simple majority of the votes cast shall resolve the issue.

Sec. 4. (1) Whenever the school boards of

school districts affected by a city annexation, as described in section 79-801, have not reached agreement on which district the annexed territory shall be part of within ninety days after the effective date of the city annexation ordinance, then the issue shall fall under the jurisdiction of the Nebraska School District Boundary Arbitration Board which is hereby created. The board shall be composed of the Commissioner of Education who shall serve as a nonvoting member of the board and three members appointed by the Governor, with the advice and consent of the Legislature, one from each congressional district. Appointment to the intial board shall be as follows: One member shall be appointed for a term of four years; one member for a term of three years; and one member for a term of two years. Subsequent appointments shall be for four-year terms. In making the appointments to the board the Governor shall give consideration to the candidates' background and experience in public school administration and finance, prior dispute resolution experiences, and training in the law. The board shall use facilities and staff to be provided by the State Department of Education. Members of the board shall receive no compensation but shall be reimbursed for actual and necessary expenses as provided in sections 84-306.01 to 84-306.05 for state employees.

(2) The board shall hold an informal public hearing for the purpose of receiving oral and written arguments and receiving information bearing upon the settlement of any annexation dispute pursuant to subsection (1) of this section. In addition, the board may request additional information from the school districts, school district residents, the State Department of Education, and the municipality responsible for the annexation in question.

(3) In making its decision the board shall give due consideration to: (a) The educational needs and interests of children residing in the disputed area, especially including the distance such children must travel to reach educational facilities; (b) the ability of each district to provide the necessary physical facilities, programs, courses, and staff; (c) the effect transferral of the property will have upon the total valuation of each district; (d) any community interests which may exist between the annexed territory and either district geographically, socially, and economically, including the dependence of each district upon city-provided services; (e) the effect which transferral

may have upon the enrollment at each district; and (f) resultant effects on economics in managing existing facilities and staff at each district.

(4) The board may attach such annexed territory in whole or in part to either district and the county superintendent shall proceed to effect the changes in the district boundary lines as set forth in the board's decision. The board's decision shall be binding upon the districts involved in the dispute. The districts or any person adversely affected by the decision of the board may appeal to the district court in the county in which the annexed territory is located. If the annexed territory is located in more than one county, the court in which an appeal is first perfected shall obtain jurisdiction to the exclusion of any subsequent appeal.".

2. On page 6, line 16, strike "and" and insert a comma; and in line 17 after the first comma insert "and 79-801,".

3. Renumber original section 3 as section 5.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 373. Placed on General File.

LEGISLATIVE BILL 377. Placed on General File as amended.
Standing Committee amendment to LB 377:
AM0561

1. On page 2, line 17, strike "At the time" and insert "Immediately upon completion of"; in line 18 strike "is taken"; in line 24 after the period insert "The original test shall be competent evidence despite the failure of any law enforcement officer to inform the person tested (1) of his or her option to choose whether the test shall be of blood or urine or (2) that he or she is permitted to have a physician of his or her choice evaluate his or her condition and perform whatever laboratory tests are deemed appropriate.".

LEGISLATIVE BILL 334. Indefinitely postponed.
LEGISLATIVE BILL 448. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

Education

LEGISLATIVE BILL 341. Placed on General File as amended.

Standing Committee amendment to LB 341:
AM0546
1. On page 2, line 12, after "amount" insert
", when added to the total of all other sources of state
aid to public schools,".

(Signed) Tom Vickers, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 313. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 181. 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 535. 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 573. 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 310. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 329. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 380. 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.

Mr. R. Peterson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 406. 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 133. Title read. Considered.

Mr. Newell moved for a Call of the House. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Advanced to E & R for Review with 25 ayes, 7 nays, 11 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 438. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Mrs. Marsh asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 579. 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 90. Title read. Considered.

Standing Committee amendments, AM0202, found in the Journal on page 433 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.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 90A. Title read. Considered.

Mr. Chambers moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Advanced to E & R for Review with 26 ayes, 7 nays, 9 present and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

Messrs. Barrett and Wagner asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 277. Title read. Considered.

Standing Committee amendment, AM0185, found in the Journal on page 475 for the Twenty-Fifth Day was adopted with 26 ayes, 1 nay, 15 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.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 169 in the Journal. No objections. So ordered.

AM0540
1. Insert the following new section:
"Sec. 2. On the effective date of this act, all equipment, books, files, records, materiels, and personnel utilized by the Department of Revenue to develop revenue projections for the purpose of setting tax rates shall be transferred and delivered to the Legislative Council.".
2. Renumber remaining sections accordingly.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 565. Placed on General File.

LEGISLATIVE BILL 43. Placed on General File as amended.
Standing Committee amendments to LB 43:
AM0549
1. Strike the original sections and insert the following new sections:
"Section 1. That section 84-1409, Reissue

Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1409. As used in sections 79-327, 84-1408 to 84-1414, and 85-104, unless the context otherwise requires:

(1) Public body shall mean (a) governing bodies of all political subdivisions of the State of Nebraska, (b) governing bodies of all agencies, now or hereafter created by Constitution, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (c) all independent boards, commissions, bureaus, committees, councils, subunits, Certificate of Need appeal panels, or any other bodies, now or hereafter created by Constitution, statute, or otherwise pursuant to law, (d) all study or advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence, and (e) advisory committees of the bodies referred to in subdivisions (a), (b), and (c) of this subdivision. Sections 79-327, 84-1408 to 84-1414, and 85-104 shall not apply to subcommittees of such bodies unless such subcommittees have been given authority to hold hearings, make policy, or take formal action on behalf of their parent body ~~or~~ nor shall such sections apply to judicial proceedings, unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders; and

(2) Meeting shall mean all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any ~~formal~~ action of the public body.

Sec. 2. That section 84-1410, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1410. (1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. Closed sessions may be held for, but shall not be limited to, such reasons as:

(a) Strategy sessions with respect to collective bargaining, real estate purchases, or litigation;

(b) Discussion regarding deployment of security personnel or devices; or

(c) Investigative proceedings regarding allegations of criminal misconduct.

Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to ~~a~~ any public body.

(2) The vote to hold a closed session shall be taken in open session. The vote of each member on the question of holding a closed session, the reason for the closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the minutes as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken.

(3) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

(4) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting nor shall a public body designate itself a subcommittee of the whole body for the purpose of circumventing sections 79-327, 84-1408 to 84-1414, or 85-104, nor shall any closed session, informal or clandestine meeting, chance meeting, social gathering, or electronic communication be used to circumvent the requirements of sections 79-327, 84-1408 to 84-1414, or 85-104.

(5) The provisions of sections 79-327, 84-1408 to 84-1414, and 85-104 shall not apply to chance meetings, or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened and there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

Sec. 3. That section 84-1411, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1411. (1) Each public body shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes. Such notice shall be transmitted to all members of the public body and to the public. Such notice shall contain an agenda of subjects known at the time of the publicized notice, or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Except for items of an emergency nature, the agenda shall not be enlarged later than twenty-four hours before the scheduled commencement of the meeting. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting, and the subjects to be discussed at that meeting.

(3) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of subsection (2) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

Sec. 4. That section 84-1412, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1412. (1) Subject to the provisions of sections 79-327, 84-1408 to 84-1414, and 85-104, the public shall have the right to attend and the right to speak at meetings of public bodies and all or any part of a meeting of a public body, except for closed sessions called pursuant to section 84-1410, may be videotaped, televised, photographed, broadcast, or

recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

(2) It shall not be a violation of subsection (1) of this section for any ~~Any~~ public body to ~~may~~ make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, television, photographic, broadcasting, or recording its meetings. ~~and regarding their privilege to speak.~~ A body is not required to allow citizens to speak at each meeting, nor may it forbid public participation at all meetings.

(3) No public body shall require members of the public to identify themselves as a condition for admission to the meeting. The body may, however, require any member of the public desiring to address the body to identify himself or herself.

(4) No public body shall attempt to circumvent the provisions of sections 84-1408 to 84-1414 by holding a meeting in a place known by the body to be too small to accommodate the anticipated audience. No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place.

(5) The public body shall, upon request, take reasonable steps to insure that all members of the public in attendance are able to hear the discussion and testimony presented at the meeting.

(6) Public bodies shall make available at the meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting.

Sec. 5. That section 84-1414, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1414. (1) Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of any of the provisions of sections 79-327, 84-1408 to 84-1413, and 85-104 shall be declared void by the district court. A suit to void any final action shall be commenced within one year of the action.

(2) The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce the provisions of sections 79-327, 84-1408 to 84-1414, and 85-104.

(3) Any citizen of this state may commence a suit in the district court of the county in which the public body ordinarily meets or in which the plaintiff

resides for the purpose of requiring compliance with or preventing violations of sections 79-327, 84-1408 to 84-1414, and 85-104, for the purpose of declaring an action of a public body void, or for the purpose of determining the applicability of sections 79-327, 84-1408 to 84-1414, and 85-104 to discussions or decisions of the public body. The court may order payment of reasonable attorney fees and court costs to a successful plaintiff in a suit brought under this section.

(4) Any member of a public body knowingly violating or conspiring to violate any provision of sections 79-327, 84-1408 to 84-1414, and 85-104 shall be guilty of a Class V misdemeanor.

Sec. 6. That original sections 84-1409, 84-1410, 84-1411, 84-1412, and 84-1414, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

LEGISLATIVE BILL 325. Placed on General File as amended.
Standing Committee amendments to LB 325:
AM0569

1. On page 2, strike beginning with "The" in line 16 through the period in line 19 and insert "The Auditor of Public Accounts shall be subject to the rules of professional conduct promulgated by the board to govern the profession of public accountancy."; and in line 26 after "practice" insert "in the state of Nebraska".

2. On page 3, line 8, strike "sound", show as stricken, and insert "generally accepted"; and strike beginning with "as" in line 9 through the comma in line 10.

LEGISLATIVE BILL 369. Placed on General File as amended.
Standing Committee amendments to LB 369:
AM0570

1. On page 2, line 5, strike "fifty", show as stricken, and insert "one hundred"; and in line 16 after "his" insert "or her".

2. On page 4, strike beginning with the second "county" in line 25 through the first comma in line 26 and show as stricken.

3. On page 5, line 7, after "bond" insert "for the benefit of the county"; and in line 8 after the each "all" insert "such".

(Signed) Dave Landis, Chairperson

Appropriations

LEGISLATIVE BILL 132. Placed on General File as amended.
Standing Committee amendments to LB 132:
AM0533

1. Strike the original sections and insert the following new sections:

"Section 1. When the Attorney General, on behalf of a state agency or political subdivision, is authorized to investigate, file suit, or otherwise take action in connection with violations under sections 59-801 to 59-830, any recovery of damages or costs by judgment, court decree, settlement in or out of court, or other final result shall be subject to the following:

(1) Upon recovery of damages or any monetary payment except criminal penalties, the costs, expenses, or billings incurred by any state agency or political subdivision in any investigation or other action arising out of a violation under sections 59-801 to 59-830 shall be sought out in any judgment, court decree, settlement in or out of court, or other final result. Any recovered costs shall be deposited by the Attorney General in the fund from which such costs were expended.

(2) When the Attorney General makes recovery pursuant to sections 59-801 to 59-830 on behalf of a state agency or political subdivision of any money, funds, securities, or other things of value in the nature of civil damages or other, except criminal penalties, whether such recovery shall be by way of verdict, judgment, compromise, or settlement in or out of court, or other final disposition of any case or controversy, such money, funds, securities, or other things of value shall be deposited by the Attorney General in the fund from which the funds which are being recovered were expended.

Sec. 2. When the Attorney General, on behalf of a state agency or political subdivision, is authorized to investigate, file suit, or otherwise take action in connection with violations under sections 59-1601 to 59-1623, any recovery of damages or costs by judgment, court decree, settlement in or out of court, or other final result shall be subject to the following:

(1) Upon recovery of damages or any monetary payment except criminal penalties, the costs, expenses, or billings incurred by any state agency or political subdivision in any investigation or other action arising out of a violation under sections 59-1601 to 59-1623 shall be sought out in any judgment, court decree,

settlement in or out of court, or other final result. Any recovered costs shall be deposited by the Attorney General in the fund from which such costs were expended.

(2) When the Attorney General makes recovery pursuant to sections 59-1601 to 59-1623 on behalf of a state agency or political subdivision of any money, funds, securities, or other things of value in the nature of civil damages or other, except criminal penalties, whether such recovery shall be by way of verdict, judgment, compromise, or settlement in or out of court, or other final disposition of any case or controversy, such money, funds, securities, or other things of value shall be deposited by the Attorney General in the fund from which the funds which are being recovered were expended.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Morehead asked unanimous consent to print the following amendments to LB 199 in the Journal. No objections. So ordered.

AM0535

1. On page 2, line 8, strike "ten" and insert "seven".

AM0534

1. Insert the following new section:

"Sec. 2. (1) In addition to the annual permit issued pursuant to section 37-1105, the registered owner of two motor vehicles may purchase a duplicate permit for one of such vehicles. Both such permits shall be purchased at the same time and from the same vendor. In order to qualify for purchasing a duplicate permit, the registered owner shall provide the license plate number for each vehicle. The vendor shall enter the license plate number on the appropriate permit.

(2) The fee for the first annual permit issued to the owner of two vehicles purchasing duplicate permits shall be the fee established by section 37-1105 and the fee for the duplicate permit shall be one half of such fee.".

2. Renumber remaining sections accordingly.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 117 in the Journal. No objections. So ordered.

AM0579
1. On page 3, line 1, strike "is" and insert
"and also section 69-109.01, Reissue Revised Statutes of
Nebraska, 1943, are".

BILLS ON FIRST READING

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

LEGISLATIVE BILL 200A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 200, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 282A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 282, Eighty-eighth Legislature, First Session, 1983.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 50 and 155.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 155

ER0015

(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:

1. In lieu of the Chambers amendments, in the Final Reading copy, on page 3, lines 6 and 24, "substantially" has been stricken and "unreasonably" inserted; and on page 4, line 4, "four" has been stricken and "three" inserted, and in line 11, "business" has been stricken.

(Signed) Tristi J. Wilson
E & R Attorney

UNANIMOUS CONSENT - Add Co-Introducer

Mr. R. Johnson asked unanimous consent to have his name added as co-introducer to LB 365. No objections. So ordered.

ANNOUNCEMENT

Mr. Chronister designates LB 142 as his priority bill.

Mr. Doyle designates LB 544 as his priority bill.

Mrs. Higgins designates LB 235 as her priority bill.

Mr. Goll has informed the Speaker's office that he will not have a priority bill this session.

VISITORS

Visitors to the Chamber were John Kahle, grandson of Senator Kahle, Stan Schwartz, Dianne Martelle, and Joan Blake from Kearney; Roxanne Lloyd and Cheryl Rogers from Sidney; Shirley Kuhle from Lincoln; Sgt. Ed Payuk from Edmonton, Canada; 31 students, teacher, and sponsors from Hays Center High School; Martin, Krysti, and Chad Nienhueser from Sidney; Stewart and Michael Kurtzhal from Coleridge; Kay and Jim Smith, daughter and son-in-law of Senator Lundy from Kearney; Dr. David Filipi, nephew of Senator Jacobson, from Omaha; 80 students and teacher from Scottsbluff; and Dr. John Harms from Scottsbluff.

ADJOURNMENT

At 12:02 p.m., on a motion by Mr. Lundy, the Legislature adjourned until 10:00 a.m., Monday, March 7, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-NINTH DAY - MARCH 7, 1983

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 7, 1983

Pursuant to adjournment, the Legislature met at 10:05 a.m., President McGinley presiding.

PRAYER

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

ROLL CALL

The roll was called and all members were present except Mr. Hoagland who was excused; and Messrs. Beutler, Chambers, Doyle, Schmit, Sieck, and Mrs. Higgins who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Eighth Day was approved.

MESSAGES FROM THE GOVERNOR

March 4, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 383 was received in my office on March 4, 1983.

This bill was signed by me on March 4, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY

Governor

RK/jm

March 5, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 29, 71 and 191 were received in my office on February 28, 1983.

These bills were signed by me on March 5, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the re-referral of legislative bill 620 from the Judiciary Committee to the Government, Military and Veterans Affairs Committee.

LB	**Committee**
620	Government, Military and Veterans Affairs

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

ATTORNEY GENERAL'S OPINIONS

Opinion No. 37
March 4, 1983

Dear Senator Kilgarin:

You have submitted to us a copy of LB 89, and asked us for our opinion as to the constitutionality of the provision that the speaker of the Legislature and the chairmen of the Legislature's Appropriation and Revenue Committees should be members of the State Tax Board, which would be created by that bill, and which would take the place of the State Board of Equalization and Assessment in setting sales and income tax rates.

The bill has been indefinitely postponed, but you inform us that you need the opinion, because its provisions may be used as an amendment to another bill.

The State Tax Board, under the bill, would be composed of the three designated members of the Legislature, plus the Governor and the Tax Commissioner. The board would set the tax rates under the same standards now specified for the State Board of Equalization and Assessment by Neb.Rev.Stat. §77-2715.01 (Supp. 1982).

Two provisions of the Nebraska Constitution must be considered. The first is Article II, Section 1, which provides:

> The powers of the government of this state are divided into three distinct departments, the Legislative, Executive and Judicial, and no person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

While the setting of tax rates might normally be considered a legislative function, when it is delegated to an administrative body, under proper standards, as it has been here, it becomes an administrative function. Clearly, the State Tax Board would be a part of the executive branch of government, and its powers should not be exercised by members of the Legislature.

The second constitutional provision we must consider is Article III, Section 9, which provides:

> No person holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to, or have a seat in the Legislature. No person elected or appointed to the Legislature shall receive any civil appointment to a state office while holding membership in the Legislature or while the Legislature is in session, and all such appointments shall be void.

Membership of the board would be holding of a state office, and would apparently be void under the above provision. We considered a similar question in an opinion dated July 7, 1967, Report of the Attorney General 1967-1968, pg. 120, a copy of which is enclosed herewith. We concluded that members of the Legislature could not be appointed to the Nebraska Coordinating Council for Higher Education because of the above constitutional provision, which was then found in Article III, Section 16 of the Constitution.

We have not found a Nebraska case directly in point on this issue, but the discussion in Searle v. Yensen, 118 Neb. 835, 226 N.W. 464 (1929), is instructive. The court said:

> The power of the legislature to delegate a part of its legislative functions to municipal corporations or other governmental subdivisions, boards, commissions, and tribunals, to be exercised within their respective jurisdictions, cannot be denied; but the recipient of such powers must be members of the same governmental department as that of the grantor. Otherwise a confusion and duplication of powers would result, against which

the section of the Constitution above quoted is directed. The legislature may not impose upon the judiciary or the executive the performance of acts or duties not properly belonging to those departments respectively.

Under the same reasoning, we believe the Legislature cannot delegate to members of the legislative branch duties which are administrative in nature. We therefore conclude that it would be difficult to defend the provisions you inquire about.

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

RHG:cw
Enc.
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 38
March 4, 1983

Dear Senator Beutler:

You have asked for our opinion concerning LB 358, before the judiciary committee. That bill would amend Neb.Rev.Stat. §29-2001 (Reissue 1979) by adding the following language: "Cases required to be tried by jury shall be so tried unless the defendant waives a jury trial in writing with approval of the court and consent of the County Attorney."

Your question is whether or not this amendment would violate Article I, Section 6 of the Nebraska Constitution, particularly with reference to the qualifiers restricting the right to waive jury trial. This question has been decided by both the United States and the State of Nebraska Supreme Courts.

The proposed amendment is identical to Federal Rule of Criminal Procedure 23(a), except for the word "government," in its place, the words "County Attorney" are used. The United States Supreme Court considered a challenge to this rule in Singer v. United States, 380 U.S. 24. In that case the Supreme Court said:

> Petitioner further urges that since a defendant can waive other consititutional rights without the consent of the Government, he must necessarily have a similar right to waive a jury trial and that the Constitution's guarantee of a fair trial gives defendants the right to safeguard themselves against possible jury prejudice by insisting on a trial before a judge alone. Turning his attention to Rule 23(a), petitioner claims that the Fifth, Sixth, Ninth, and Tenth Amendments are violated by placing conditions on the ability to

waive trial by jury.

We have examined petitioner's arguments and find them to be without merit.

Thus, in terms of the Federal Constitution, it is clear that such a rule does not offend Article III, Section 2 of the United States Constitution which provides for a right to jury trials.

The Nebraska Supreme Court has on several occasions considered this question in light of Article I, Section 6 of the Nebraska Constitution. See, Johnson v. State, 169 Neb. 783, 100 N.W.2d 844 (1960) and State v. Carpenter, 181 Neb. 639, 150 N.W.2d 129 (1967). In State v. Carpenter, the Nebraska Supreme Court had overruled an earlier Nebraska case in the following language:

> That case held in essence that the right to a trial by jury, as encompassed by Article I, sections 6 and 11, of the Constitution of Nebraska, was designed for the protection of the state as well as the defendant, and may not be waived. We now determine that holding was made under a misapprehension of the nature of the right involved. The right to a jury trial is personal to the defendant, and the state is without power to require one if the defendant wishes to waive it.

In the above quote, the Nebraska Supreme Court was referring to the case of Michaelson v. Beemer, 72 Neb. 761, 101 N.W. 1001 (1904). No mention was made in State v. Carpenter of Singer v. United States. In fact, the issue came up at the request of the defendant with respect to the existence of Michaelson v. Beemer, and whether or not the defendant had the right to waive a jury trial. The language utilized in Carpenter was not directly concerned with the question of whether or not reasonable rules and regulations could be imposed on the waiver of the right. However, at the very next term the Nebraska Supreme Court had before it the case of State v. Godfrey, 182 Neb. 451, 155 N.W.2d 438 (1968). In that case the defendant, after the jury had been impaneled but before opening statements, sought to waive his right to trial by jury. The district court refused to allow him to waive the right and trial proceeded to the jury. The court said:

> Under such circumstances, the trial court exercised proper judicial discretion in denying the motion. We hold that the court may reasonably require that a motion to waive a jury trial be made or filed within a reasonable time prior to trial as a condition to the consent of the court. The court, of course, may grant such a motion at any time and should do so whenever it will promote the fair, reasonable, and efficient administration of justice.

The remaining question, which has not been resolved by our Nebraska Supreme Court, is whether or not the County Attorney may constitutionally be given the right to refuse to consent to the waiver of a jury trial.

While there is dicta in the Nebraska cases cited above which would tend to indicate that the State may not refuse to allow waiver of a jury trial in these circumstances, the specific question has not been

addressed by the Nebraska Supreme Court. We can perceive no substantial difference between Article I, Section 6 and Section 11 of the Nebraska Constitution, and Article III, Section 2 and of the Sixth Amendment to the Federal Constitution.

The Supreme Court in Singer reviewed the preconstitution history of jury trials and the right thereto, and also, generally, the waiver rights of defendants in other criminal proceedings. That court said:

> A defendant's only constitutional right concerning the method of trial is to an impartial trial by jury. We find no constitutional impediment to conditioning a waiver of this right on the consent of the prosecuting attorney and the trial judge when, if either refuses to consent, the result is simply that the defendant is subject to an impartial trial by jury—the very thing that the Constitution guarantees him.

We believe that the considerations which prompted the enactment of the Nebraska constitutional provisions referred to above are similar to, and in concert with, the federal constitutional provisions. While the Nebraska Supreme Court could construe the Nebraska Constitution more narrowly and strictly than the United States Supreme Court has the Federal Constitution, we can find no basis for predicting that they would do so.

Such a rule would not violate the Federal Constitution. We can perceive nothing in the wording of the Nebraska Constitution which would suggest a contrary conclusion should be reached. We therefore believe that such a statute would be constitutional.

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

PTO:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature
2018 State Capitol
Lincoln, Nebraska 68509

MOTION - Introduce New Bills

Mr. Barrett moved for the introduction of a new bill by the Business and Labor Committee pursuant to Rule 5, Section 4 (c)2, request 967.

The motion prevailed with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Mr. Barrett moved for the introduction of a new bill by the Business and Labor Committee pursuant to Rule 5, Section 4 (c)2, request 968.

The motion prevailed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 621. By Business and Labor Committee: Barrett, 39th District, Chairperson; R. Peterson, 21st District; Wiitala, 31st District; Eret, 32nd District; Labedz, 5th District; Fowler, 27th District; Goll, 16th District.

A BILL FOR AN ACT to make appropriations for the payment of certain claims against the state; to provide how payments shall be made; and to declare an emergency.

LEGISLATIVE BILL 622. By Business and Labor Committee: Barrett, 39th District, Chairperson; R. Peterson, 21st District; Wiitala, 31st District; Eret, 32nd District; Labedz, 5th District; Fowler, 27th District; Goll, 16th District.

A BILL FOR AN ACT to disallow certain claims against the state.

MOTION - Introduce New Bills

Mr. Landis moved for the introduction of a new bill by the Government Committee pursuant to Rule 5, Section 4 (c)2, request 943.

The motion prevailed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 623. By Government, Military and Veterans Affairs Committee: Landis, 46th District, Chairperson; Chambers, 11th District; Cullan, 49th District; Vickers, 38th District; Higgins, 9th District; R. Johnson, 34th District; Goll, 16th District.

A BILL FOR AN ACT to amend sections 32-428.06, 32-428.10, 32-503.01, 32-808, 32-1001.39, and 32-1001.40, Reissue Revised Statutes of Nebraska, 1943, and sections 32-265, 32-504, 32-519.01, 32-537, and 32-803, Revised Statutes Supplement, 1982, relating to elections; to provide certain provisions for special elections as prescribed; to change a provision relating to voter registration; to change provisions relating to write-in candidates as prescribed; to change provisions relating to the nomination of candidates; to change

petition requirements as prescribed; to change provisions relating to the withdrawal of candidates; to change provisions relating to absentee ballots and contested elections as prescribed; and to repeal the original sections, and also section 32-428.02, Reissue Revised Statutes of Nebraska, 1943.

MOTION - Withdraw LB 501

Mr. Schmit renewed his pending motion found in the Journal on page 771 to withdraw LB 501.

The motion prevailed with 33 ayes, 0 nays, 13 present and not voting and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 118 in the Journal. No objections. So ordered.

1. On page 3, line 3 after the period insert "In the first calendar year following the effective date of this act in which new license plates are issued, each county treasurer shall collect, in addition to the regular registration fee, a fee of one dollar per license plate to be paid to the state General Fund to help recover the cost of new license plates."

Mr. Chambers asked unanimous consent to print the following amendment to LB 374 in the Journal. No objections. So ordered.

AM0565

1. Insert the following new sections:

"Section 1. That section 28-101, Revised Statutes Supplement, 1982, be amended to read as follows:

28-101. Sections 28-101 to 28-1335, ~~and~~ sections 28-929 to 28-933, and sections 3 to 8 of this act shall be known as the Nebraska Criminal Code.

Sec. 3. It shall not be unlawful for any person to engage in gambling on a sports or athletic event or contest if the bet is placed with a person who complies with sections 4 to 6 of this act.

Sec. 4. A tax of two per cent of the amount of the bet is hereby imposed on any bet made with respect to a sports or athletic event or contest. Each person engaged in the business of accepting bets shall be liable for the tax on all bets placed with him or her. Employees of a person engaged in such business shall not be liable for such tax.

Sec. 5. An additional tax of five hundred

dollars per year shall be paid by each person liable for the tax imposed by section 4 of this act and by each person, other than an employee, who is engaged in receiving bets for or on behalf of a person so liable.

Sec. 6. Each person required to pay a tax pursuant to section 5 of this act shall register with the Department of Revenue. The department shall issue an appropriate stamp to each person who pays such tax and such person shall conspicuously place and keep in his or her establishment or place of business all stamps denoting payment of the tax.

Sec. 7. The Department of Revenue shall be responsible for collecting all taxes imposed by sections 4 and 5 of this act. The taxes shall be paid to the State Treasurer for deposit in the General Fund.

Sec. 8. Any person who violates any provision of sections 3 to 6 of this act shall be guilty of a Class I misdemeanor.".

2. Renumber original sections accordingly.

MOTION - Approve Appointments

Mr. Carsten moved the adoption of the report of the Revenue Committee for the following Governor appointment found in the Journal on page 653: Donna Karnes, State Tax Commissioner, Nebraska Department of Revenue.

Voting in the affirmative, 35:

Barrett	Beyer	Carsten	Chronister	DeCamp
Doyle	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hannibal	Hefner	Jacobson
Johnson, L.	Johnson, R.	Kahle	Kilgarin	Lamb
Landis	Lundy	Marsh	Newell	Nichol
Pappas	Peterson, H.	Pirsch	Remmers	Schmit
Vickers	Von Minden	Warner	Wesely	Wiitala

Voting in the negative, 0.

Present and not voting, 11:

Abboud	Beutler	Chambers	Clark	Cullan
Johnson, V.	Labedz	Morehead	Peterson, R.	Rupp
Wagner				

Excused and not voting, 3:

Higgins	Hoagland	Sieck

The appointment was confirmed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Mr. Vickers moved the adoption of the report of the Education Committee for the following Governor appointments found in the Journal on page 665: Safety Center Advisory Council - Duane Schmidt, Larry Morris, Rollin D. Schnieder, Jim Preston, John Ward, Charles Fairbanks.

Voting in the affirmative, 37:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	Cullan	Doyle	Eret	Fenger
Fowler	Goll	Goodrich	Haberman	Hannibal
Hefner	Higgins	Johnson, R.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Rupp	Schmit	Vickers	Von Minden	Warner
Wesely	Wiitala			

Voting in the negative, 0.

Present and not voting, 10:

Beutler	Chambers	DeCamp	Jacobson	Johnson, L.
Johnson, V.	Morehead	Pirsch	Remmers	Wagner

Excused and not voting, 2:

Hoagland Sieck

The appointments were confirmed with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Mr. Vickers moved the adoption of the report of the Education Committee for the following Governor appointment found in the Journal on page 665: Gerald Koch, Board of Educational Lands and Funds.

Speaker Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Voting in the affirmative, 35:

Barrett	Beyer	Carsten	Chambers	Chronister
Cullan	DeCamp	Doyle	Fowler	Goll
Goodrich	Hannibal	Higgins	Johnson, L.	Johnson, R.

Johnson, V.	Kilgarin	Labedz	Landis	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Vickers	Wagner	Warner	Wesely	Wiitala

Voting in the negative, 8:

Abboud	Clark	Hefner	Jacobson	Kahle
Lamb	Lundy	Peterson, H.		

Present and not voting, 5:

Beutler	Eret	Fenger	Haberman	Von Minden

Excused and not voting, 1:

Hoagland

The appointment was confirmed with 35 ayes, 8 nays, 5 present and not voting, and 1 excused and not voting.

Mr. Hefner moved the adoption of the report of the Miscellaneous Subjects Committee for the following Governor appointment found in the Journal on page 681: Miles Johnston, Jr., Nebraska Accountability and Disclosure Commission.

Voting in the affirmative, 37:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Clark	Cullan	Doyle	Fowler
Goll	Haberman	Hannibal	Hefner	Jacobson
Johnson, L.	Johnson, V.	Kahle	Kilgarin	Labedz
Landis	Lundy	Marsh	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Sieck	Vickers
Warner	Wiitala			

Voting in the negative, 0.

Present and not voting, 11:

Chronister	DeCamp	Eret	Fenger	Goodrich
Higgins	Johnson, R.	Lamb	Von Minden	Wagner
Wesely				

Excused and not voting, 1:

Hoagland

The appointment was confirmed with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Mr. Barrett moved the adoption of the report of the Business and Labor Committee for the following Governor appointment found in the Journal on page 692: Ronald E. Sorensen, Commissioner, Nebraska Department of Labor.

Voting in the affirmative, 39:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Cullan	Doyle	Fenger
Fowler	Goll	Goodrich	Haberman	Hannibal
Hefner	Jacobson	Johnson, L.	Johnson, V.	Kahle
Landis	Lundy	Marsh	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Sieck	Vickers
Wagner	Warner	Wesely	Wiitala	

Voting in the negative, 0.

Present and not voting, 9:

Chambers	DeCamp	Eret	Higgins	Johnson, R.
Kilgarin	Labedz	Lamb	Von Minden	

Excused and not voting, 1:

Hoagland

The appointment was confirmed with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Mr. DeCamp moved the adoption of the report of the Banking, Commerce and Insurance Committee for the following Governor appointment found in the Journal on page 762: Donald N. Dworak, Director of the Department of Economic Development.

Voting in the affirmative, 42:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Clark	Cullan	DeCamp	Doyle
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Schmit	Sieck	Vickers	Wagner	Warner

Wesely	Wiitala			

Voting in the negative, 0.

Present and not voting, 6:

Beutler	Eret	Kilgarin	Labedz	Rupp
Von Minden				

Excused and not voting, 1:

Hoagland

The appointment was confirmed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Mr. Landis moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following Governor appointments found in the Journal on page 770: Clifton A. Sexton, Jr., Director, Department of Administrative Services; John Auer, Director, Department of Aeronautics; Wallace M. Barnett, State Fire Marshal.

Voting in the affirmative, 42:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Cullan	Doyle	Fenger
Fowler	Goll	Goodrich	Haberman	Hannibal
Hefner	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala			

Voting in the negative, 0.

Present and not voting, 6:

Chambers	DeCamp	Eret	Higgins	Jacobson
Labedz				

Excused and not voting, 1:

Hoagland

The appointments were confirmed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

CORRECTED STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 235. Corrected Standing Committee amendments:
AM0595

1. On page 3, line 13, strike "21-2024" and insert "71-2024".

2. Strike section 30.

3. On page 2, line 1; page 4, line 18; page 6, line 24; page 8, in lines 8, 12, and 25; page 9, line 14; page 10, lines 24 and 26; page 13, line 19; page 14, line 3; page 15, in lines 5, 18, and 27; page 16, line 14; page 17, in lines 5 and 12; page 19, line 12; page 20, in lines 5, 6, 12, and 16, strike "31" and insert "30".

4. On page 4, strike beginning with "an" in line 25 through "agency" in line 26 and insert "the Department of Public Institutions, a law enforcement agency or the local county attorney".

5. On page 5, strike lines 2, 3, and 4 and insert "Friends and relatives of a resident shall have access during normal visiting hours of the facility. Volunteers and members of community organizations shall have access, after making arrangements with proper personnel of the home, during regular visiting and business".

6. On page 7, line 8, after "transfer" insert "from a nursing home"; and strike beginning with "such" in line 10 through "days" in line 13 and insert "subdivision (d) of subsection (1) of this section applies, five days written notice shall be given to the resident or his or her representative and when subdivision (e) of subsection (1) of this section applies, a resident shall be given ten days written notice if his or her charges are five days or more in arrears".

7. Renumber remaining sections accordingly.

(Signed) George Fenger, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 19A. By Kahle, 37th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the

provisions of Legislative Bill 19, Eighty-eighth Legislature, First Session, 1983; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following amendment to LB 396 in the Journal. No objections. So ordered.

1. Insert the following new section:
"Sec. 9. This act shall be operative for all taxable years commencing on and after January 1, 1983."

RESOLUTION

LEGISLATIVE RESOLUTION 39.

Introduced by Barrett, 39th District; Pappas, 42nd District; Vickers, 38th District; Lamb, 43rd District.

WHEREAS, the Honorable Keith Windrum was appointed and sworn in as District Judge of the Thirteenth (13th) Judicial District of Nebraska in November 1972;

WHEREAS, Judge Windrum has been a life-long resident of Nebraska and has practiced law in Nebraska for thirty-five (35) years, twenty-five (25) years of said practice was in Gothenburg, Dawson County, Nebraska;

WHEREAS, Judge Windrum has served the residents of Nebraska as a District Judge with courage, fairness, integrity, distinction, intelligence and honor;

WHEREAS, the Honorable Keith Windrum is retiring from the bench on the 16th day of March, 1983, after more than ten (10) years of service to the citizens of Nebraska as a District Judge;

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

1. That the members of the Legislature recognize the public service career of Judge Keith Windrum for his ten (10) years of service as District Judge of the Thirteenth (13th) Judicial District of Nebraska.

2. That a copy of this Resolution be presented to Judge Windrum as a token of recognition and appreciation by the Legislature.

Laid over.

STANDING COMMITTEE REPORT

Public Health and Welfare

The Public Health and Welfare Committee met in Executive Session on March 4, 1983 for the purpose of the Confirmation of the appointment of Ms. Gina Dunning as Director of the Department of Public Welfare. The Committee cast a unanimous vote for this appointment. Senators Fenger, Barrett, Doyle, Higgins, R. Peterson, Rupp and Wesely voted AYE.

LEGISLATIVE BILL 142. Placed on General File as amended.
Standing Committee amendments to LB 142:
AM0478

1. Strike original section 2.
2. On page 3, line 15, strike "sections" and insert "section" and strike "and 81-197"; and in line 16 strike "are" and insert "is".
3. Renumber remaining sections accordingly.

LEGISLATIVE BILL 470. Placed on General File as amended.
Standing Committee amendments to LB 470:
AM0584

1. On page 5, lines 1 and 7, strike "operative and prosthetic", show as stricken, and insert "clinical"; and in line 10 after the period insert "Any person who applies for a license to practice dentistry or dental hygiene who has previously failed a state or regional clinical licensing examination two times shall be required to complete a practical course in clinical dentistry recommended by the Board of Examiners in Dentistry and approved by the Department of Health before the department shall consider the results of a third examination as valid qualification for a license to practice dentistry or dental hygiene in the State of Nebraska.".

2. On page 6, lines 3 and 4, strike "operative and prosthetic", show as stricken, and insert "clinical"; strike beginning with the comma in line 4 through the period in line 5, show as stricken and insert ". The passing grade shall be determined by the department upon the recommendation of the Board of Examiners in Dentistry."; in line 14 strike "license", show as stricken, and insert "certificate"; and in line 21 strike "attend" and insert "complete".

3. Insert a new section as follows:

"Sec. 5. That section 71-183.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-183.01. Nothing in section 71-183 shall

apply to the following practices, acts, and operations:

(1) To the practice of his or her profession by a physician or surgeon licensed as such under the laws of this state, unless he or she practices dentistry as a specialty;

(2) To the giving by a qualified anaesthetist or registered nurse of an anaesthetic for a dental operation under the direct supervision of a licensed dentist or physician;

(3) The practice of dentistry in the discharge of their official duties by graduate dentists or dental surgeons in the United States Army, Navy, Public Health Service, Coast Guard, or veterans' bureau;

(4) The practice of dentistry by a licensed dentist of other states or countries at meetings of the Nebraska Dental Association or components thereof, or other like dental organizations approved by the board, while appearing as clinicians;

(5) To the filling of work authorizations of a licensed and registered dentist as hereinafter provided by any person or persons, association, corporation, or other entity, for the construction, reproduction, or repair of prosthetic dentures, bridges, plates, or appliances to be used or worn as substitutes for natural teeth; PROVIDED, that such person or persons, association, corporation, or other entity, shall not solicit or advertise, directly or indirectly by mail, card, newspaper, pamphlet, radio, or otherwise, to the general public to construct, reproduce, or repair prosthetic dentures, bridges, plates, or other appliances to be used or worn as substitutes for natural teeth;

(6) To the use of roentgen or X-ray machines or other rays for making radiograms or similar records, of dental or oral tissues under the supervision of a licensed dentist or physician; PROVIDED, that such service shall not be advertised by any name whatever as an aid or inducement to secure dental patronage, and no person shall advertise that he or she has, leases, owns, or operates a roentgen or X-ray machine for the purpose of making dental radiograms of the human teeth or tissues or the oral cavity, or administering treatment thereto for any disease thereof;

(7) To the performance by a licensed dental hygienist, under the supervision of a licensed dentist, of the oral prophylaxis procedure, which shall include the scaling and polishing of teeth and such

additional procedures as are prescribed in accordance with rules and regulations adopted by the Department of Health; ~~or~~

(8) To the performance by a dental auxiliary other than a licensed dental hygienist, under the supervision of a licensed dentist, of duties prescribed in accordance with rules and regulations adopted by the Department of Health; or

(9) To the performance by a licensed dental hygienist, by virtue of training and professional ability, under the supervision of a licensed dentist, of taking dental roentgenograms. Any other person is hereby authorized, under the supervision of a licensed dentist, to take dental roentgenograms, but shall not be authorized to do so until he or she has satisfactorily completed a course in dental radiology recommended by the Board of Examiners in Dentistry and approved by the Department of Health".

4. On page 7, line 12, after the first comma insert "71-183.01,".

5. Strike original section 8.

6. Renumber remaining sections accordingly.

LEGISLATIVE BILL 472. Placed on General File as amended.
Standing Committee amendments to LB 472:
AM0370

1. On page 3, line 17, after "a" insert "registered nurse".

2. On page 4, line 9, strike "November", show as stricken, and insert "October"; and in line 16 strike "January", show as stricken, and insert "December".

3. On page 6, line 3, after "department" insert ", upon the recommendation of the Board of Nursing,".

LEGISLATIVE BILL 161. Indefinitely postponed.
LEGISLATIVE BILL 323. Indefinitely postponed.

(Signed) George Fenger, Chairperson

GENERAL FILE

LEGISLATIVE BILL 235. Title read. Considered.

Corrected Standing Committee amendments, AM0595, found in this day's Journal were adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Mr. L. Johnson offered the following amendment:

(1) Section 12, page 4, lines 26-27 delete "or any representative of a community legal services program."

(2) Section 12, page 5, lines 3-4 after "facility." add "Any representative of a community legal services program."

(3) Section 18, sub (1), page 9, line 3, after "resident", add "until necessary corrections are made, but in no case." Strike the word "not" in line 3.

(4) Section 18, sub (2), page 9, line 21, after "corrections", add "or satisfactory progress toward the corrections."

(5) Section 27, page 15, line 7 after "public" add "together with the nursing home's response to the allegations."

Mrs. Higgins requested a division of the question on the L. Johnson amendment.

The Chair sustained the division.

The first L. Johnson amendment is as follows:

(1) Section 12, page 4, lines 26-27 delete "or any representative of a community legal services program."

(2) Section 12, page 5, lines 3-4 after "facility." add "Any representative of a community legal services program."

(5) Section 27, page 15, line 7 after "public" add "together with the nursing home's response to the allegations."

Mr. L. Johnson moved for a Call of the House. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. L. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Abboud	Barrett	Carsten	Clark	Fenger
Goll	Hannibal	Hefner	Jacobson	Johnson, L.
Johnson, R.	Kahle	Lamb	Lundy	Nichol
Peterson, H.	Peterson, R.	Pirsch	Sieck	Vickers
Von Minden				

Voting in the negative, 22:

Beutler	Chambers	Cullan	Doyle	Fowler
Haberman	Higgins	Johnson, V.	Kilgarin	Labedz
Landis	Marsh	Morehead	Newell	Pappas
Remmers	Rupp	Schmit	Wagner	Warner
Wesely	Wiitala			

Present and not voting, 5:

Beyer	Chronister	DeCamp	Eret	Goodrich

Excused and not voting, 1:

Hoagland

The first L. Johnson amendment lost with 21 ayes, 22 nays, 5 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

The second L. Johnson amendment is as follows:

Section 18, sub (1), page 9, line 3, after "resident", add "until necessary corrections are made, but in no case." Strike the word "not" in line 3.

Section 18, sub (2), page 9, line 21, after "corrections", add "or satisfactory progress toward the corrections."

Mr. L. Johnson moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. L. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Abboud	Beutler	Beyer	Carsten	Clark
Eret	Fenger	Goll	Hefner	Jacobson
Johnson, L.	Johnson, R.	Kahle	Lamb	Landis
Lundy	Nichol	Peterson, H.	Peterson, R.	Pirsch
Sieck	Von Minden			

Voting in the negative, 21:

Barrett	Cullan	Doyle	Fowler	Haberman
Higgins	Johnson, V.	Kilgarin	Labedz	Marsh
Morehead	Newell	Pappas	Remmers	Rupp
Schmit	Vickers	Wagner	Warner	Wesely
Wiitala				

Present and not voting, 5:

Chambers	Chronister	DeCamp	Goodrich	Hannibal

Excused and not voting, 1:

Hoagland

The second L. Johnson amendment lost with 22 ayes, 21 nays, 5 present

and not voting, and 1 excused and not voting.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Barrett	Beutler	Chambers	Chronister	Cullan
DeCamp	Doyle	Fowler	Goodrich	Haberman
Higgins	Johnson, V.	Kilgarin	Labedz	Landis
Marsh	Morehead	Newell	Pappas	Remmers
Rupp	Schmit	Vickers	Wagner	Warner
Wesely	Wiitala			

Voting in the negative, 15:

Abboud	Carsten	Clark	Fenger	Goll
Hefner	Jacobson	Johnson, L.	Johnson, R.	Kahle
Lamb	Lundy	Peterson, H.	Peterson, R.	Von Minden

Present and not voting, 5:

Eret	Hannibal	Nichol	Pirsch	Sieck

Excused and not voting, 2:

Beyer	Hoagland

Advanced to E & R for Review with 27 ayes, 15 nays, 5 present and not voting, and 2 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 44.

Correctly Engrossed

The following bill was correctly engrossed: 126.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 44

ER0017

(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 4, the second comma has been stricken and "to" inserted; in line 11 "the reference" has been stricken; and in line 12, "to an establishment of a school" has been stricken and "provisions relating to schools" has been inserted.

Enrollment and Review Changes to LB 126

ER0016

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Vard Johnson amendment, on page 704 of the Journal, line 2, " bachelors " has been stricken and "bachelor's" inserted and " masters " has been stricken and "master's" inserted; and any other underscoring has been removed.

2. On page 2, line 4, "eligible" has been inserted after "in"; and in line 16, before "who" a comma has been inserted.

3. On page 3, line 1, "Institution" has been stricken and "Eligible institution" inserted and "eligible" has been inserted after "or"; in line 11 "; and" has been reinstated; and in line 21 "eligible" has been inserted after "various".

4. On page 5, line 8, "eligible" has been inserted before "institution".

5. On page 6, line 4, "eligible" has been inserted before "postsecondary".

6. The E & R amendment has been stricken.

(Signed) Tristi J. Wilson
E & R Attorney

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 30.

ANNOUNCEMENT

Mr. Remmers designates LB 96 as his priority bill.

Mr. Wagner designates LB 35 as his priority bill.

Mr. Von Minden designates LB 125 as his priority bill.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendments to LB 169 in the Journal. No objections. So ordered.

(1)
Amend LB 169 page 2 as follows: line 3 strike language beginning (1) (A) commencing in 1983 the legislature shall annually and reinstate original language

(2)
Amend LB 169 page 2 line 14 as follows: reinsert original language

(3)
Amend LB 169 page 3 as follows: line 2 (A) through line 27 reinsert original language

(4)
Amend LB 169 as follows: page 4 line 1 (b) remove word Legislature and then reinstate words stricken, board and then

(5)
Amend LB 169 as follows: page 4 line 3 reinstate original language
line 4 reinstate original language
line 5 reinstate original language

(6)
Amend LB 169 as follows: page 4 lines 8 and 9 and 10 reinstate original language

(7)
Amend LB 169 as follows: page 4 lines 14 and 15 reinstate original language

(8)
Amend LB 169 as follows: page 4 line 15 remove words of the state

(9)
Amend LB 169 as follows: page 4 line 20-21-22-23 reinstate original language

(10)
Amend LB 169 as follows: page 4 line 23 remove word Legislature

(11)
Amend LB 169 as follows: page 4 line 23 reinstate word board

(12)
Amend LB 169 as follows: page 5 line 9 remove word Legislature reinstate word board

(13)
Amend LB 169 as follows: page 5 line 9 remove words one half

(14)
Amend LB 169 as follows: page 5 line 10 reinstate word one fourth

(15)
Amend LB 169 as follows: page 5 line 11 reinstate words half of one

(16)
Amend LB 169 as follows: page 5 lines 16 through 27 reinstate original language

(17)
Amend LB 169 as follows: page 6 lines 1 through 10 reinstate original language

(18)
Amend LB 169 as follows: page 6 lines 10 through 16 strike new language

(19)
Amend LB 169 as follows: page 6 line 16 reinstate words the board

(20)
Amend LB 169 as follows: page 6 line 20 remove word any

(21)
Amend LB 169 as follows: page 6 line 20 reinstate words such special

(22)
Amend LB 169 as follows: page 6 line 23 remove new wording

(23)
Amend LB 169 as follows: page 6 line 24 remove word that reinstate original language

(24)
Amend LB 169 as follows: page 6 line 25 strike word or reinstate word such

(25)

Amend LB 169 as follows: page 7 line 3 through 5 strike new language

(26)

Amend LB 169 as follows: page 7 lines 5 through 20 reinstate original language

Mr. Warner asked unanimous consent to print the following amendment to LB 126A in the Journal. No objections. So ordered.

PURPOSE: To defer the appropriation for the state work study program until 1984-85 and provide funds for only the estimated cost of developing rules and regulations for the new program during 1983-84.

AMENDMENT: In lines two and three, strike "two million one hundred twenty-five thousand" and insert "one thousand".

CORRECTED STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 476. Corrected Standing Committee amendments:
(Standing Committee Amendments printed separate from the Journal and on file in the Clerk's Office - AM0566.)

(Signed) George Fenger, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 169 in the Journal. No objections. So ordered.

Amend the Warner Amendment found on pp 778 of the Journal.

On Line 2 after the word act, add "duplicate copies of" and continue the remainder of Line 3.

On Line 4. after the word personnel, add the word positions

On Line 6 strike the words "transferred and", insert the words authorized or copies before the words delivered to the Legislative Council.

VISITORS

Visitors to the Chamber were 45 members from the American Association of United Women.

ADJOURNMENT

At 12:00 noon, on a motion by Mr. Lundy, the Legislature adjourned until 9:00 a.m., Tuesday, March 8, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

FORTIETH DAY - MARCH 8, 1983

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 8, 1983

Pursuant to adjournment, the Legislature met at 9:01 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Patsy Moore, Visitation Trinity United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Cullan, Doyle, Fowler, Haberman, Hoagland, R. Peterson, Schmit, Von Minden, Warner, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Ninth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 313. Placed on Select File.
LEGISLATIVE BILL 181. Placed on Select File.
LEGISLATIVE BILL 535. Placed on Select File.
LEGISLATIVE BILL 573. Placed on Select File.
LEGISLATIVE BILL 310. Placed on Select File.
LEGISLATIVE BILL 329. Placed on Select File.
LEGISLATIVE BILL 380. Placed on Select File.
LEGISLATIVE BILL 406. Placed on Select File.

(Signed) Rod Johnson, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 39
March 3, 1983

Dear Senator Vickers:

This in response to your inquiry pertaining to LB 45 of the Eighty-Eighth Legislature, First Session (1983). In that letter you ask if this legislative bill, as amended, is constitutional.

Neb.Rev.Stat. §79-1701 (Reissue 1981) provides, in part, "{a}ll private, denominational, and parochial schools in the State of Nebraska, and all teachers employed or giving instruction therein, shall be subject to and governed by the provisions of the general school laws of the state so far as the same apply to grades, qualifications, and certification of teachers and promotion of pupils." That statute, however, is currently qualified by Neb.Rev.Stat. §79-1703 (Reissue 1981) which provides "{n}othing in sections 79-1701 to 79-1704 contained shall be so construed as to interfere with religious instruction in any private, denominational, or parochial school."

LB 45, as amended, would strike the original sections in this legislative bill and insert a new section which would amend Neb.Rev.Stat. §79-1703 (Reissue 1981) to read as follows:

79-1703. (1) Nothing in sections 79-1701 to ~~79-1704 contained~~ 79-1705 shall be so construed as to interfere with religious instruction in any private, denominational, or parochial school.

(2) If the chief administrative officer of any nonpublic elementary school offering instruction through the eighth grade and the parents or guardians of all pupils enrolled therein file a statement with the Commissioner of Education declaring that the requirements of sections 79-1233 and 79-1701 to 79-1705 constitute such interference with regard to them, the commissioner shall waive the requirements of such sections and all rules and regulations relating thereto, as they apply to such school, its teachers, and pupils.

(3) Any waiver granted pursuant to subsection (2) of this section shall not excuse compliance with Chapter 79, article 2, with regard to attendance, and reporting of attendance, at such nonpublic elementary schools, nor shall such waiver excuse compliance with any requirements relating to health, safety, and fire hazards. For purposes of this section and section 79-201 attendance at a nonpublic elementary school which has a waiver pursuant to subsection (2) of this section shall constitute attendance at a private denominational or parochial school.

(4) Any waiver granted pursuant to subsection (2) of this section to any nonpublic elementary school may be revoked by the commissioner, following notice and opportunity for public hearing

before the State Board of Education, if it is determined that children attending such nonpublic elementary school are not progressing academically based on the results of nationally recognized achievement tests to be selected and administered by the commissioner. Such tests shall not be given more often than annually. The commissioner shall adopt rules and regulations for the purpose of establishing standards for the determination of when children attending nonpublic elementary schools which have received a waiver pursuant to subsection (2) of this section are progressing academically. In selecting the test to be administered and in promulgating the rules and regulations which establish acceptable academic progress the commissioner shall consider:

(a) Prevalent useage {sic} of achievement tests in the public, private, denominational, or parochial schools of this state;

(b) Current levels of achievement on tests prevalently used by public, private, denominational, and parochial schools of this state; and

(c) The extent to which the results of any test selected by the commissioner may be subject to error or statistical deviation.

Reasonable costs incurred by the commissioner in the administration of such testing shall be chargeable to the nonpublic elementary schools which file a statement for a waiver pursuant to subsection (2) of this section. The testing shall be administered within the county in which the county in which the nonpublic school is located at locations to be determined by the commissioner having due regard for the cost and convenience of the parties involved and assurance of an impartial, controlled, testing atmosphere.

The above-quoted amendment appears to be somewhat uncertain or indefinite in some of its provisions which are essential to or connected with the statute as a whole. For example, section 2 of the amendment would permit the chief administrative officer of any nonpublic elementary school offering instruction through the eighth grade and the parents or guardians of all pupils enrolled therein to file a statement with the Commissioner of Education declaring that certain statutes constitute an interference with regard to them, but it does not state the frequency that such filing must be made. The question immediately arises as to whether one such filing would cover all period of time in perpetuity? Or must the filing be made annually or perhaps semiannually to coincide with the fall and spring semesters? If not, what is the frequency of such filings. There is another uncertainty associated therewith. Must a new or an amended statement be filed in the event that a child enrolls in such a school after the Commissioner of Education has granted a waiver pursuant to subsection 2 of this amendment?

There are other uncertainties. Subsection 4 of this amendment would grant the Commissioner of Education the authority to revoke a waiver granted pursuant to subsection 2 "if it is determined that

children attending such nonpublic elementary school are not progressing academically based on the results of nationally recognized achievement tests." Query—may the Commissioner of Education revoke the waiver any time it comes to his or her attention that two or more children enrolled in such a school are not progressing aacademically? Or does this mean that the Commissioner of Education may revoke the waiver only when it is determined that all the children enrolled in such a school are not progressing academically? If the waiver is revoked by the Commissioner of Education, the question arises whether the revocation is permanent. If not, what is the period of time? At least equally important, what happens to the children who have attended a nonpublic school which has been granted a waiver when it is determined by the Commissioner of Education that they or some of their classmates are not "progressing academically based on the results of nationally recognized achievement tests?" Must the children be enrolled in a public school? Or may the children be enrolled in another nonpublic school in which a waiver has been granted? Or may the children be enrolled in a legally approved nonpublic school which has not requested a waiver?

The above are just a few of the uncertainties associated with this amendment. It is, of course, a basic principle of due process that an enactment is void for vagueness if its prohibitions are not clearly defined. Grayned v. City of Rockford, 408 U.S. 104 (1972). Vague laws offend several important values. First, man is free to steer between lawful and unlawful conduct. Consequently, courts quite properly insist that laws give the person of ordinary intelligence a reasonable opportunity to know what is prohibited so that he may act accordingly. Second, if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. Third, where a vague statute abuts upon sensitive areas of basic First Amendment freedoms, it operates to inhibit the exercise of those freedoms. Where, as here, a section of a legislative bill contains a number of uncertainties which are connected with the legislative bill as a whole, we can only conclude that it is void for vagueness. It is therefore our opinion that the above-quoted amendment is unconstitutional.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM/cmb/t3
cc: Patrick J. O'Donnell
Clerk of the Legislature

MESSAGES FROM THE GOVERNOR

February 23, 1983

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the State Board of Health, requiring legislative confirmation:

Phyllis Haberman, 436 West 11th, Imperial, NE 69033, (308) 882-5662, reappointment.
Dr. Robert Rosenlof, 17 West 31st, Kearney, NE, (308) 234-5365, reappointment.
John J. Clark, 210 North Cherokee, Box 865, McCook, NE 69001, (308) 345-4594, replaces Edward Schlachter.
Julie Brown Arfmann, Box 277, Gering, NE 69341, 345-2650, replaces C. Herbert Seberg.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Dr. Robert Rosenlof
Phyllis Haberman
John J. Clark
Julie Brown Arfmann
Accountability and Disclosure Commission
State Board of Health
Department of Administrative Services

February 23, 1983

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I

have made the following appointment to the Crime Victims Reparation Board, requiring legislative confirmation:

Teresa Luther, Route 1, Box 10, Juniata, NE 68955 replaces Marilyn Bath.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Teresa Luther
Accountability and Disclosure Commission
Crime Victims Reparation Board
Department of Administrative Services

March 7, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 114, 201, 203 and 291 were received in my office on March 2, 1983.

These bills were signed by me on March 7, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 378. Placed on General File.

LEGISLATIVE BILL 96. Placed on General File as amended.
Standing Committee amendment to LB 96:
AM0100

1. On page 3, line 2, after the period insert "The cost of the alteration, change, moving, or relocation, and the expense of acquiring lands or any rights and interests in land or any other rights required to accomplish such alteration, change, moving,

or relocation of a utility facility located in, over, along, or under any highway which at any time was on or designated as a part of the National System of Interstate and Defense Highways but has been removed for any reason shall not be paid by the state on or after July 1, 1993.".

LEGISLATIVE BILL 482. Placed on General File as amended.
Standing Committee amendment to LB 482:
AM0600

1. On page 2, line 3, reinsert the stricken matter; and in lines 3 and 4 strike "public safety employee" and insert "or other authorized employee of a law enforcement agency".

(Signed) Loran Schmit, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 40.

Introduced by Morehead, 30th District; Eret, 32nd District.

WHEREAS, the Wilber-Clatonia girls basketball team finishes the season with a perfect 27-0 season; and

WHEREAS, the Wilber-Clatonia Lady Wolverines captured the Class C Championship; and

WHEREAS, the winning of such a championship is a demonstration of the willingness of this team and its coach Gene Steinmeyer, to endure the hard work and struggles associated with significant accomplishments; and

WHEREAS, such outstanding achievements are deserving of special recognition.

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

1. That the Legislature commends the spirit and talent exhibited by the Wilber-Clatonia Lady Wolverines Basketball team as demonstrated by the participation in the class C Championship.

2. That the members of the Legislature extend their congratulations and best wishes to the members of the Wilber-Clatonia girls basketball team for winning the State Class C Championship.

3. That a copy of this resolution be sent to Gene Steinmeyer, coach, of the Wilber-Clatonia Lady Wolverines Basketball team.

Laid over.

MOTION - Introduce New Bill

Mr. Wesely moved to suspend the rules, Rule 5, Section 4(c) to permit the introduction of a new bill, req 984.

Mr. Wesely moved for a Call of the House. The motion prevailed with 21 ayes, 2 nays, and 26 not voting.

The Wesely motion prevailed with 30 ayes, 11 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 624. By Wesely, 26th District.

A BILL FOR AN ACT relating to schools; to provide intent; to provide for certain tax assessments; to exclude certain items from budget limitations; and to declare an emergency.

MOTION - Introduce New Bill

Mrs. Pirsch moved for the introduction of a new bill by the Law Enforcement & Justice Advisory Committee pursuant to Rule 5, Section 4(c)2, Req 0966.

The motion prevailed with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 625. By Law Enforcement & Justice Advisory Committee: Beutler, 28th District, Chairperson; Pirsch, 10th District; Chambers, 11th District; Von Minden, 17th District; Jacobson, 33rd District; Chronister, 18th District; R. Johnson, 34th District; Abboud, 12th District.

A BILL FOR AN ACT to amend section 86-701, Reissue Revised Statutes of Nebraska, 1943, relating to telecommunications; to redefine a term; to repeal the original section; and to declare an emergency.

NOTICE OF COMMITTEE HEARING
Public Health and Welfare

LB 611 Tuesday, March 15, 1983 7:00 p.m.

(Signed) George Fenger, Chairperson

MOTION - Proposed Rule Change

Speaker Nichol, Messrs. Barrett, Carsten, DeCamp, Haberman, Newell, Hefner, V. Johnson, Chronister, Landis, Vickers, Hoagland, Fenger, and Mrs. Labedz offered the following rules change:
Amend Rule 4, Section 8 as follows:
Section 8. Reference To Committee.
Resolutions other than those covered by sections 2 and 3 of this rule shall be referred to the Reference Committee for referencing to the appropriate committee upon the recommendation of the Speaker of the Legislature.

Referred to the Rules Committee.

UNANIMOUS CONSENT - Member Excused

Mr. Clark asked unanimous consent to be excused. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 34. Read. Considered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Barrett moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Barrett requested a roll call vote on the adoption of LR 34.

Voting in the affirmative, 20:

Abboud	Barrett	Chronister	Cullan	Fenger
Hannibal	Hefner	Jacobson	Johnson, L.	Johnson, R.
Kahle	Lamb	Lundy	Nichol	Peterson, H.
Peterson, R.	Pirsch	Remmers	Von Minden	Wagner

Voting in the negative, 25:

Beutler	Beyer	Carsten	Chambers	DeCamp
Doyle	Eret	Fowler	Goll	Higgins
Hoagland	Johnson, V.	Kilgarin	Labedz	Landis
Marsh	Morehead	Newell	Pappas	Rupp
Schmit	Sieck	Vickers	Wesely	Wiitala

Present and not voting, 2:

Goodrich Haberman

Excused and not voting, 2:

Clark Warner

LR 34 lost with 20 ayes, 25 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE RESOLUTION 39. Read. Considered.

LR 39 was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 407. Placed on General File as amended.
Standing Committee amendment to LB 407:
AM0598

1. On page 4, strike beginning with "used" in line 20 through "responsibilities" in line 22 and insert "deposited in the General Fund".

LEGISLATIVE BILL 408. Placed on General File as amended.
Standing Committee amendment to LB 408:
AM0599

1. On page 6, strike beginning with "used" in line 11 through "responsibilities" in line 13 and insert "deposited in the General Fund".

LEGISLATIVE BILL 479. Placed on General File as amended.
Standing Committee amendments to LB 479:
AM0607

1. Insert the following new section:
"Sec. 2. That section 49-1483, Revised Statutes Supplement, 1982, be amended to read as follows:

49-1483. Every registered lobbyist for each of his or her principals, and every principal employing a registered lobbyist, shall file a separate statement for each month the Legislature is in session on one or more days, and shall file a separate statement once during each interim period between regular sessions of the Legislature. If neither a principal or lobbyist makes any expenditures in connection with a special session of the Legislature, a monthly report for such special session shall not be required. All such statements shall be filed with the Clerk of the Legislature within fifteen days after the end of the month or interim period for which the statement is required. Each statement shall show the following:

(1) The total amount received or expended directly or indirectly for the purpose of carrying on lobbying activities, with the following categories of expenses each being separately itemized: (a) Miscellaneous expenses, (b) entertainment, including expenses for food and drink, (c) lodging expenses, (d) travel expenses, and (e) lobbyist fees for lobbyist services; and

(2) A detailed statement of any money loaned, promised, or paid by a lobbyist to any legislator or to anyone on his or her behalf.

When a principal retains the services of a person who shall have only part-time lobbying duties, only the compensation paid which is reasonably attributable to influencing legislative action need be reported.

The lobbyist shall also file any changes or corrections to the information set forth in the registration required pursuant to section 49-1480 so as to reflect the correctness of such information as of the end of the month or other period for which such statement is required by this section.".

2. On page 8, line 11, after "sections" insert "49-1483," and after "49-14,121" insert a comma.

3. Renumber remaining sections accordingly.

LEGISLATIVE BILL 31. Indefinitely postponed.
LEGISLATIVE BILL 164. Indefinitely postponed.
LEGISLATIVE BILL 176. Indefinitely postponed.

(Signed) Elroy M. Hefner, Chairperson

SELECT FILE

LEGISLATIVE BILL 414. Mr. Chambers renewed his pending amendment found in the Journal on page 628 and corrected on page 634.

Messrs. Haberman and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Abboud	Barrett	Beyer	Carsten	Chambers
Doyle	Eret	Fenger	Goll	Goodrich
Hannibal	Higgins	Jacobson	Johnson, V.	Kahle
Labedz	Morehead	Peterson, R.	Pirsch	Rupp
Sieck	Wagner	Wiitala		

Voting in the negative, 21:

Beutler	Chronister	Cullan	DeCamp	Fowler
Hefner	Hoagland	Johnson, R.	Kilgarin	Lamb
Landis	Lundy	Marsh	Newell	Nichol
Pappas	Peterson, H.	Remmers	Vickers	Warner
Wesely				

Present and not voting, 2:

Johnson, L. Von Minden

Excused and not voting, 3:

Clark Haberman Schmit

The Chambers amendment lost with 23 ayes, 21 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 41.

Introduced by Eret, 32nd District.

WHEREAS, the winning of a championship in a state athletic tournament demonstrates the willingness of a team and its coach to endure the hard work and struggles associated with significant accomplishments; and

WHEREAS, the Shickley Lady Longhorns basketball team Class D champions won the girl's State High School Basketball Tournament this year; and

WHEREAS, the members of the Shickley High School girl's basketball team are deserving of special recognition for their victory.

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

1. That the members of the Legislature commend the athletic ability, competitive spirit, and sportsmanship exhibited by the Shickley Lady Longhorns Basketball team.

2. That the Legislature congratulates and extends best wishes to the 1983 Class D Girls High School Basketball Champions and their coach Dave Wegner.

3. That a copy of this resolution be sent to Dave Wegner, coach, of the Shickley Lady Longhorns basketball team.

Laid over.

LEGISLATIVE RESOLUTION 42.

Introduced by Kilgarin, 7th District; Wesely, 26th District; Wagner, 41st District; Nichol, 48th District; H. Peterson, 38th District.

WHEREAS, the year 1983 marks the fiftieth anniversary of the Civilian Conservation Corps; and

WHEREAS, the Civilian Conservation Corps had a major role in restoring the United States from the depths of the 1930's depression; and

WHEREAS, the people of Nebraska profited both economically and environmentally by the work of the Civilian Conservation Corps; and

WHEREAS, approximately 30,079 Nebraskans were employed by the Civilian Conservation Corps during the depression years 1933-42; and

WHEREAS, their work, including the construction of 92 dams and 59,091 erosion dams, has proven to be of lasting benefit to the state of Nebraska; and

WHEREAS, Nebraskans and those who travel our state continue to enjoy the improvements made by the Civilian Conservation Corps in our State's recreational areas; and

WHEREAS, the spirit of the work ethic is exemplified by the Civilian Conservation Corps in its motto "We can take it"; and

WHEREAS, veterans of the Nebraska Civilian Conservation Corps continue to be among our state's most productive citizens;

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

1. That the Nebraska Legislature hereby recognizes and commends the contributions made by the Civilian Conservation Corps to this state and nation.

2. That April 9th, 1983, is hereby designated as "Nebraska Civilian Conservation Corps Veterans Day" in the State of Nebraska.

3. That the Legislature urges citizens of this state to observe "Nebraska Civilian Conservation Corps Veterans Day" on April 9th, 1983.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 609 in the Journal. No objections. So ordered.

AM0594

1. Insert the following new section:

"Section 1. Any person who operates a motor vehicle, trailer, semitrailer, or cabin trailer on any highway of this state, which vehicle has not been registered as required by section 60-302 for thirty or more days, shall be subject to a penalty of one hundred fifty dollars. Any person who reports such a violation to the Department of Motor Vehicles shall, if a conviction is obtained, be entitled to a payment of twenty dollars from the department.".

2. On page 2, line 5, after "two" insert "fully reflectorized" and after "plates" insert an underscored comma; and in line 6 strike "number" and show as stricken.

3. On page 3, line 3, reinstate "1984" and strike "1985"; and after line 10 insert:

"(3) Each time new number plates are issued, a fee of two dollars per vehicle shall be charged in addition to all other required fees.".

4. Renumber remaining sections accordingly.

Mesdames Labedz and Morehead asked unanimous consent to print the following amendment to LB 199 in the Journal. No objections. So ordered.

AM0636

1. Insert the following new section:

"Sec. 4. (1) In addition to the permits authorized in section 37-1105, the Game and Parks Commission shall design a duplicate annual permit which may be purchased for one half the fee of an annual permit.

(2) The registered owner of two or more vehicles may purchase a duplicate annual permit for one of such vehicles per year. The duplicate annual permit may be purchased from Game and Parks Commission offices and designated commission-staffed areas, either by mail or in person. A duplicate annual permit may be obtained at any time during the year upon proof of purchase of an annual permit, in compliance with Game and Parks Commission rules and regulations.

(3) Fees from duplicate annual permits shall be subject to the provisions of section 37-1114.".

2. Renumber remaining sections accordingly.

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 219. Placed on General File as amended.
Standing Committee amendments to LB 219:
AM0134

1. Insert the following new section:

"Sec. 4. That section 84-1323.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1323.02. Any retiring employee whose total retirement benefit, including both prior and future service benefits, is less than fifty ~~twenty-five~~ dollars per month on the straight life annuity option may elect to receive a lump sum settlement equal to the retirement value in lieu of an annuity.".

2. On page 4, line 17, after "section" insert ", except that any person who has been a member of the retirement system and has terminated his or her employment prior to the effective date of this act and has not withdrawn the amount in his or her employee account shall have the option upon application prior to January 1, 1984, to receive the benefit provided in subdivision (1)(a) of this section".

3. On page 5, line 17, strike "service" and insert "participation in the retirement plan"; and strike beginning with "In" in line 20 through "(5)" in line 24.

4. On page 6, line 9, strike "and" and insert a comma; and in line 10 after "84-1321," insert "and 84-1323.02,".

5. Renumber original section 4 as section 5.

LEGISLATIVE BILL 442. Placed on General File as amended.
Standing Committee amendments to LB 442:
AM0252

1. Insert the following new section:

"Section 1. That section 15-1005, Revised Statutes Supplement, 1982, be amended to read as follows:

15-1005. (1) In case of the death of any firefighter or police officer caused by or the result of injuries received while in line of duty and such death occurs within one year from the date of such injury then a pension of fifty-four ~~fifty~~ per cent of regular pay as defined in section 15-1001 shall be paid monthly to the surviving spouse during his or her lifetime or until his or her remarriage, and upon his or her death or remarriage to the minor children of such deceased firefighter or police officer until the youngest living child reaches eighteen years of age, subject to deduction of any amounts paid under the Nebraska Workmen's Compensation Act on account of such death as hereinafter provided in sections 15-1001 to 15-1015; PROVIDED, that, as set forth in subsection (2) of this section, any such firefighter or police officer shall have the election, by written nomination filed with the city, to designate a survivor beneficiary who shall receive payment for such death, in the amount payable under option A, set forth in subsection (1) of section 15-1002, which would be applicable to retirement as of the date at which such death occurs.

(2) The election shall apply where such death occurs after such firefighter or police officer is eligible to retire.".

2. On page 4, line 18, after the period insert "In case of the death of any firefighter or police officer who has been placed on such pension roll for such disability, his or her pension paid monthly shall be paid to the surviving spouse so long as he or she remains unmarried, if they were married prior to the receipt of the benefits and upon the surviving spouse's

death or remarriage, to the minor children until the youngest living child reaches eighteen years of age. Any such firefighter or police officer shall have, as set forth in subsection (2) of this section, the election, on or prior to the effective date of such disability retirement, or within thirty days thereafter, to elect to nominate a survivor beneficiary in accordance with the provisions of option A or option B contained in subsection (1) of section 15-1002, the payments to be based upon the amount provided under such designated option for retirement as of the date on which such firefighter or police officer was placed on the pension roll because of such disability.".

3. On page 5, strike lines 2 through 13 and insert:

"(5) All payments of pensions provided by this section shall be reduced by the sum of the following amounts: (a) Amounts paid by the city or its insurer under the provisions of Chapter 48, article 1, and (b) amounts paid under any disability insurance program supported in whole or in part by the city."; and in line 14 strike "section" and insert "sections 15-1005 and".

4. Renumber remaining sections accordingly.

LEGISLATIVE BILL 526. Placed on General File as amended.
Standing Committee amendments to LB 526:
AM0283

1. On page 8, line 21, after "section" insert "which has more than ten employees enrolled in such pension plan"; and in line 22 after the underscored period insert "Any city or village with a retirement plan established pursuant to this section which has ten or fewer employees enrolled in such pension plan is not required to form a retirement committee but shall report to the Public Employees Retirement Board as provided in subdivision (1) of section 3 of this act. The person responsible for administering the retirement plan shall send in such report."

2. On page 15, line 16, after the underscored period insert "Members of such committees shall be reimbursed for actual and necessary expenses incurred in carrying out their duties as provided in sections 84-306.01 to 84-306.05 for state employees.".

(Signed) Steve Fowler, Chairperson

Miscellaneous Subjects

LEGISLATIVE BILL 226. Placed on General File as amended.
Standing Committee amendments to LB 226:
AM0597

1. On page 2, line 14, strike "contract" and insert "lease with an option to purchase"; and strike beginning with "for" in line 17 through the first comma in line 18.

2. On page 3, strike beginning with "used" in line 5 through "responsibilities" in line 7 and insert "deposited in the General Fund".

(Signed) Elroy M. Hefner, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Labedz asked unanimous consent to have her name added as co-introducer to LB 17. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 169. Title read. Considered.

Standing Committee amendments, AM0310, found in the Journal on page 542 for the Twenty-Eighth Day were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Newell offered the following amendment:
AM0609

1. On page 2, after line 13, insert "For calendar year 1983 the rate of the income tax shall be twenty per cent and the rate of the sales tax shall be three and one half per cent, except that if this bill becomes law before the general budget bill for fiscal year 1983-84 passes, the Legislature shall set the rates for the sales and income tax for the current calendar year using the procedures provided in this section if a change in the rates is needed.

(b) The Revenue Committee of the Legislature shall introduce a bill proposing the rate of the income tax imposed by section 77-2715 and the rate of the sales tax imposed by subsection (1) of section 77-2703. The committee shall hold a public hearing on such bill. Such bill shall be held by the Legislature until the

general budget bill has been passed by the Legislature.".

2. On page 4, line 1, strike "(b)" and insert "(c)"; in line 16 strike "(c)" and insert "(d)"; and in line 27 strike "(d)" and insert "(e)".

3. On page 5, line 8, strike "(e)" and insert "(f)"; and in line 12 strike "(f)" and insert "(g)".

4. 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.".

Mr. Haberman requested a ruling of the Chair on whether the Newell amendment is germane to the bill.

The Chair ruled the amendment is germane to the bill.

Mr. DeCamp requested a record vote on the Newell amendment.

Voting in the affirmative, 18:

Beutler	Cullan	Doyle	Eret	Fowler
Hoagland	Johnson, V.	Kilgarin	Labedz	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Sieck	Wesely		

Voting in the negative, 21:

Abboud	Barrett	Beyer	Carsten	DeCamp
Goll	Goodrich	Haberman	Hannibal	Hefner
Jacobson	Johnson, L.	Johnson, R.	Kahle	Lamb
Peterson, H.	Peterson, R.	Remmers	Von Minden	Wagner
Warner				

Present and not voting, 7:

Chambers	Chronister	Fenger	Higgins	Pirsch
Rupp	Vickers			

Excused and not voting, 3:

Clark	Schmit	Wiitala

The Newell amendment lost with 18 ayes, 21 nays, 7 present and not voting, and 3 excused and not voting.

Mr. Warner renewed his pending amendment, AM0540, found in the Journal on page 778.

Mr. Newell renewed his pending amendment found in the Journal on page 812 to the Warner amendment.

Mr. Newell asked unanimous consent to withdraw his pending amendment to the Warner amendment. No objections. So ordered.

The Warner amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Haberman asked unanimous consent to withdraw his pending amendments (1) through (26) found in the Journal on pages 810, 811, and 812. No objections. So ordered.

Mrs. Morehead asked unanimous consent to be excused. No objections. So ordered.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Mrs. Higgins asked unanimous consent to be excused. No objections. So ordered.

Mr. Newell moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Newell requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Beutler	Chronister	Cullan	DeCamp	Doyle
Eret	Fowler	Haberman	Hannibal	Higgins
Hoagland	Johnson, V.	Kilgarin	Labedz	Landis
Lundy	Marsh	Newell	Nichol	Pappas
Rupp	Schmit	Vickers	Warner	Wesely

Voting in the negative, 19:

Abboud	Barrett	Beyer	Carsten	Fenger
Goll	Hefner	Jacobson	Johnson, L.	Johnson, R.
Kahle	Lamb	Peterson, H.	Peterson, R.	Pirsch
Remmers	Sieck	Von Minden	Wagner	

Present and not voting, 2:

Chambers Goodrich

Excused and not voting, 3:

Clark Morehead Wiitala

Advanced to E & R for Review with 25 ayes, 19 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

ANNOUNCEMENT

The Agriculture and Environment Committee designates LB 19 and LB 533 as its priority bills.

Mr. Fowler designates LB 571 as his priority bill.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 621 through 625.

LB	Committee
621	Business and Labor
622	Business and Labor
623	Government, Military and Veterans Affairs
624	Revenue
625	Judiciary

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

NOTICE OF COMMITTEE HEARINGS

Education

LB 613	Tuesday, March 15, 1983	1:30 p.m.
LB 614	Tuesday, March 15, 1983	1:30 p.m.

(Signed) Tom Vickers, Chairperson

Business and Labor

LB 621	Wednesday, March 16, 1983	1:30 p.m.
LB 622	Wednesday, March 16, 1983	1:30 p.m.

(Signed) Bill Barrett, Chairperson

Judiciary

LB 501	Tuesday, March 15, 1983 (Cancelled)	1:30 p.m.

(Signed) Chris Beutler, Chairperson

MESSAGES FROM THE GOVERNOR

March 7, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 488E was received in my office on March 2, 1983.

This bill was signed by me on March 7, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

March 7, 1983

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

Dear Senators:

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

Director, Department of Economic Development, Donald N. Dworak
Director, Department of Water Resources, Michael Jess

Respectfully submitted,
(Signed) ROBERT KERREY
Governor

cc: Appointees
Accountability and Disclosure Commission
Department of Administrative Services

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 42. Indefinitely postponed.
LEGISLATIVE BILL 549. Indefinitely postponed.
LEGISLATIVE BILL 550. Indefinitely postponed.

(Signed) David Landis, Chairperson

MOTION - Place LB 42 on General File

Mr. Hoagland moved to place LB 42 on General File pursuant to Rule 3, Section 16, notwithstanding the actions of the committee.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 126A. Title read. Considered.

Mr. Warner renewed his pending amendment found in the Journal on page 812.

Messrs. Rupp, Schmit, and Haberman asked unanimous consent to be excused. No objections. So ordered.

Mr. Warner moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 23 not voting.

Mr. Warner requested a roll call vote on his amendment.

Voting in the affirmative, 27:

Beyer	Carsten	Chambers	Doyle	Fowler
Goll	Hannibal	Hefner	Hoagland	Jacobson
Johnson, R.	Kahle	Kilgarin	Lamb	Landis
Lundy	Marsh	Nichol	Pappas	Peterson, R.
Remmers	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely			

Voting in the negative, 11:

Barrett	Cullan	Eret	Fenger	Higgins
Johnson, L.	Johnson, V.	Labedz	Newell	Peterson, H.
Pirsch				

Present and not voting, 4:

Abboud Beutler Chronister Goodrich

Absent and not voting, 1:

DeCamp

Excused and not voting, 6:

Clark Haberman Morehead Rupp Schmit Wiitala

The Warner amendment was adopted with 27 ayes, 11 nays, 4 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 473. Indefinitely postponed.
LEGISLATIVE BILL 475. Indefinitely postponed.
LEGISLATIVE BILL 480. Indefinitely postponed.
LEGISLATIVE BILL 508. Indefinitely postponed.
LEGISLATIVE BILL 603. Indefinitely postponed.

(Signed) John W. DeCamp, Chairperson

ANNOUNCEMENT

Mr. Cullan designates LB 269 as his priority bill.

The Administrative Rules and Regulations Review Committee designates LB 356 and LB 576 as its priority bills.

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 170. Placed on General File as amended.
Standing Committee amendments to LB 170:
AM0577

1. On page 2, line 27, after "permit" insert "for each species".

2. On page 3, strike beginning with "a" in line 7 through "land" in line 10 and insert "any person who materially participates in the business of farming or ranching. For purposes of this section, farming or ranching shall mean the cultivation of the soil or the harvesting of any agruicultural or horticultural

commodity, including, but not limited to, raising, shearing, feeding, or caring for livestock animals, for the production of income. In the case of an owner or tenant of land who makes an arrangement with another person or persons with respect to the farming or ranching of land which is owned or leased by the owner or tenant, material participation shall mean that the owner or tenant (1) furnishes a substantial portion of the machinery, implements, and livestock used in the production of the commodities, (2) furnishes or advances funds used in the production of the commodities, or (3) assumes financial responsibility for a substantial part of the expense involved in the production of the commodities"; and after line 13 insert:

"(4) The Game and Parks Commission may by rule and regulation prescribe forms to be filled out by the applicant for a limited license as prescribed in this section to determine whether the applicant is a bona fide farmer or rancher.".

3. On page 4, in lines 16 and 17 strike "for wild turkey".

LEGISLATIVE RESOLUTION 12. Placed on General File as amended.

Standing Committee amendments to LR 12:

AM0369

1. Strike beginning with "Beginning" on page 1, line 10, through the period on page 2, line 14, and insert:

"~~Beginning with the year 1975, regular~~ Regular sessions of the Legislature shall be held ~~annually, commencing~~ for ninety and sixty days on an alternating basis. Beginning December 1, 1984, ninety-day sessions shall commence at 10 a.m. on the second Monday in December of each even-numbered year and sixty-day sessions shall commence at 10 a.m. on the first Wednesday after the first Monday in January of each even-numbered year. Commencing in 1984 the terms of members shall commence on the first day of the regular legislative session and the terms of the members they replace shall terminate on such date. The duration of regular sessions held shall not exceed ninety or sixty legislative days, respectively, ~~in odd-numbered years~~ unless extended by a vote of four-fifths of all members elected or appointed to the Legislature. ~~, and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature.~~ Bills and resolutions under

consideration by the Legislature upon adjournment of a regular ninety-day session ~~held in an odd-numbered year~~ may be considered at the next regular sixty-day session, as if there had been no such adjournment.".

2. On page 3, line 14, strike "session" and insert "ninety-day sessions".

LEGISLATIVE RESOLUTION 8. Indefinitely postponed.
LEGISLATIVE RESOLUTION 11. Indefinitely postponed.

(Signed) Bernice Labedz, Chairperson

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 620	Thursday, March 17, 1983	1:30 p.m.
LB 623	Thursday, March 17, 1983	1:30 p.m.

(Signed) David Landis, Chairperson

STANDING COMMITTEE REPORT
Constitutional Revision and Recreation

The Committee on Constitutional Revision and Recreation desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Dr. Timothy J. Biga - Commissioner, Game and Parks Commission

Voting aye: Senators Labedz, Abboud, Carsten, Fowler, Jacobson, Rupp, and Sieck. Voting nay: None.

(Signed) Bernice Labedz, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hannibal asked unanimous consent to print the following amendment to LB 129 in the Journal. No objections. So ordered.

AM0637

1. In the Hannibal amendments on page 757 of the Journal in line 1 strike "26" and insert "22", and strike "county" and insert "more".

VISITORS

Visitors to the Chamber were 8 seniors and teacher from Wilcox High School; a group representing the Nebraska United Methodist Women; Mr. and Mrs. Marvin Lewis from Rawley, California; Mr. and Mrs. George Klein from Lincoln; Edwin and Lillian Blehm from Scottsbluff; Efi Sumarlin from Indonesia; and Yasmine Al-Mutawa from Kuwait.

ADJOURNMENT

At 11:56 a.m., on a motion by Mr. Von Minden, the Legislature adjourned until 9:00 a.m., Wednesday, March 9, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIRST DAY - MARCH 9, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 9, 1983

Pursuant to adjournment, the Legislature met at 9:03 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Stanley Eckland, Grace Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Wiitala who was excused; and Messrs. Beutler, Fowler, Goodrich, Haberman, V. Johnson, Newell, Vickers, Warner, Wesely, and Mrs. Higgins who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 834, line 24, strike "LB 614" and insert "LB 616".
The Journal for the Fortieth Day was approved as corrected.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

Governor's Appointments, Thursday, March 17, 1983 1:30 p.m.
Forrest D. Chapman, Director, Department of Personnel
David R. Flebbe, State Personnel Board
Bruce Peters, State Personnel Board

(Signed) David Landis, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 133. Placed on Select File as amended.
E & R amendments to LB 133:
AM5039

1. To make the format within the section consistent, lines 4 to 6 on page 10 are moved to page 9 after line 10; and the period at the end of this material is stricken and an underscored semicolon inserted.

2. On page 9, line 10, strike the period, show as stricken, and insert an underscored semicolon; and in line 13 after "50.00" insert an underscored semicolon.

3. On page 10, line 3, strike the new matter and reinstate the stricken matter.

LEGISLATIVE BILL 438. Placed on Select File.
LEGISLATIVE BILL 579. Placed on Select File.

LEGISLATIVE BILL 90. Placed on Select File as amended.
E & R amendments to LB 90:
AM5040

1. On page 1, line 1, strike "Native"; and in line 2, strike "Americans" and insert "American Indians".

2. On page 2, line 6, strike "May 30" and insert "the fourth Monday in September"; in line 8 after "Unknown" insert "American"; and in line 14, after "Unknown" insert "American".

3. In the Standing Committee amendments, page 2, line 5, strike "Nebraska Indian" and after "Commission" insert "on Indian Affairs".

LEGISLATIVE BILL 90A. Placed on Select File.

LEGISLATIVE BILL 277. Placed on Select File as amended.
E & R amendment to LB 277:
AM5041

1. On page 1, line 4, after the semicolon insert "to change provisions relating to pleadings;".

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Remmers asked unanimous consent to have his name added as co-introducer to LB 343. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 39.

MOTION - Suspend Rules

Mr. Hoagland moved to suspend the rules, Rule 2, Section 2, to permit consideration of the proposed rules change on page 822 of the Journal.

The motion to suspend the rules prevailed with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Speaker Nichol renewed his proposed rule change found in the Journal on page 822.

Mr. Chambers requested a record vote on the adoption of the rule change.

Voting in the affirmative, 36:

Abboud	Barrett	Beyer	Carsten	Clark
Cullan	Eret	Fenger	Goll	Goodrich
Hannibal	Hefner	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Lundy	Marsh	Morehead	Newell
Nichol	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Sieck	Vickers	Von Minden	Wagner
Warner				

Voting in the negative, 2:

Chambers	Doyle

Present and not voting, 5:

Chronister	DeCamp	Landis	Pappas	Schmit

Excused and not voting, 6:

Beutler	Fowler	Haberman	Higgins	Wesely
Wiitala				

The proposed rule change was adopted with 36 ayes, 2 nays, 5 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 122. Placed on General File as amended.
Standing Committee amendments to LB 122:
AM0635
1 1. Strike original sections 2 to 13 and

insert the following new sections:

"Sec. 2. The Legislature hereby finds and declares that it is the purpose and intent of this act to: (1) Provide the state with the necessary expertise pertaining to the natural gas industry and the federal regulations and policy related to such industry; and (2) provide the state with a mechanism to address natural gas price and supply issues.

Sec. 3. As used in this act, unless the context otherwise requires:

(1) Office shall mean the State Energy Office;

(2) Intervenor shall mean the person employed pursuant to section 4 of this act;

(3) Wholesale entity shall mean any wholesale natural gas pipeline company which delivers natural gas within this state;

(4) Retail entity shall mean any natural gas utility which sells natural gas at retail within this state;

(5) Franchise shall mean an agreement between a non-municipal retail entity and a political subdivision where the retail entity is granted an exclusive right to market natural gas at retail within the boundaries of that political subdivision; and

(6) Actual incurred costs shall mean any additional staff, travel, or directly related costs incurred by the intervenor associated with the performance of the duties provided for in section 7 of this act.

Sec. 4. The Director of the State Energy Office shall hire a person to serve as an intervenor pursuant to this act and may employ such other assistants and personnel as the director deems necessary for the efficient administration of sections 81-1601 to 81-1634 and sections 5 to 9 of this act. The director may delegate authority to his or her representatives to conduct investigations, adopt and promulgate regulations, or perform any other duties imposed by sections 81-1601 to 81-1634 and sections 5 to 9 of this act.

Sec. 5. (1) The intervenor shall be familiar with the natural gas industry, have at least three years of employment experience in business accounting, economics, or regulatory law, and have at least three years of employment experience with a federal, state, or local natural gas industry regulatory body.

(2) No person shall be eligible for

employment as intervenor if (a) he or she has been employed, directly or indirectly, by a wholesale or retail entity for any period of time within the previous three years, or (b) he or she holds any financial interest in a wholesale or retail entity.

(3) No person who has served as an intervenor shall accept a job with a wholesale or retail entity or their subsidiaries, for at least three years after termination of service as intervenor.

(4) Any person accepting a position as intervenor who violates any provision of subsections (1) to (3) of this section shall be guilty of a Class II misdemeanor.

Sec. 6. (1) The intervenor shall monitor the activities of Nebraska's retail and wholesale entities, and the federal legislative activities, Federal Energy Regulatory Commission activities, and judicial activities pertinent to the natural gas industry and this state.

(2) The intervenor shall have the power to request pertinent documents from a wholesale entity which that entity has filed with the Federal Energy Regulatory Commission, Securities and Exchange Commission, or other appropriate federal agency.

(3) The intervenor shall have the power to initiate litigation following an unfavorable Federal Energy Regulatory Commission ruling which affects Nebraska.

(4) The intervenor shall cooperate with other parties which have filed as intervenors in Federal Energy Regulatory Commission cases involving a wholesale entity where the intervenor and other parties have mutual concerns.

Sec. 7. (1) The intervenor shall act as a fact finder in local franchise conflicts only when officially requested to do so by either (a) a resolution of the local political subdivision involved or (b) by a petition which has been signed by at least twenty per cent of the ratepayers which will be directly affected and submitted to the intervenor. The resolution or petition shall contain an enumerated list of the specific items of conflict and an agreement by those requesting the intervenor to act to repay the office for the actual incurred costs.

(2) When an intervenor becomes involved in franchise conflicts pursuant to subsection (1) of this section, he or she shall have the power to:

(a) Conduct investigations and determine the

scope and manner of such investigations;

(b) Request and be given by each administrative agency the assistance and information he or she deems necessary for the discharge of his or her responsibilities;

(c) Hold public hearings on the appropriate subjects;

(d) Issue subpoenas, enforceable by action in an appropriate court, to compel any person to appear, give sworn testimony, or produce documentary or other evidence as he or she deems relevant to a matter under his or her inquiry; and

(e) Issue findings, conclusions, and recommendations pursuant to his or her investigations and inspections.

Sec. 8. The intervenor shall intervene in Federal Energy Regulatory Commission rate cases when (1) directed to do so by an executive order of the Governor, (2) directed to do so by a majority resolution of the Legislature when in session or the Executive Board of the Legislative Council during interim periods, or (3) deemed necessary by the intervenor.

Sec. 9. (1) The office shall levy a charge on each retail entity providing service within the state. The amount charged each entity shall be based on the number of customers served by the entity in the state. The total of such charges shall not exceed the general expenses of the office which may reasonably be anticipated for the fiscal year for which the charge is made.

(2) The office shall levy a charge on each retail entity served by a wholesale entity on which the intervenor intervenes. The amount charged each entity shall be based on the number of customers served by the entity in this state. The total of all charges shall be sufficient to cover the actual costs of the intervention.

(3) The office shall determine and certify the charges made under subsections (1) and (2) of this section to each entity on or before June 1 of each year, and such charges shall be payable on or before July 1 of each year. Any charges not paid when due shall draw interest at a rate equal to the maximum rate of interest allowed per annum under section 45-104.01, as such rate may from time to time be adjusted by the Legislature. The proceeds of such charges shall be transmitted to the State Treasurer for deposit in the state treasury to the credit of the State Energy Office. Such funds shall be

used to cover the expenses of the office.

Sec. 10. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec.11. Sections 1 to 11 of this act shall terminate on June 31, 1988, and each section shall be repealed in its entirety along with all amendments, unless reenacted or reestablished by the Legislature.".

LEGISLATIVE BILL 309. Placed on General File as amended.
Standing Committee amendment to LB 309:
AM0603

1. On page 2, line 20, strike "or" and insert an underscored comma; and after the second "site" insert ", or a material production site, when such commodities are being transported in dump trucks or grain trailers".

LEGISLATIVE BILL 348. Placed on General File as amended.
Standing Committee amendment to LB 348:
AM0602

1. On page 2, line 6, strike "twenty" and insert "seven and one-half".

LEGISLATIVE BILL 506. Placed on General File as amended.
Standing Committee amendments to LB 506:
AM0622

1. On page 1, line 4, strike "and"; and in line 5 after "section" insert "; and to declare an emergency".

2. On page 4, line 6, after "contain" insert "different water allocations for different distribution systems for irrigation, provided such different water allocations shall be authorized for no more than five years from the time such allocations are adopted, and"; and in lines 7 and 8 strike the new matter.

(Signed) Loran Schmit, Chairperson

Constitutional Revision and Recreation

LEGISLATIVE BILL 610. Placed on General File as amended.
Standing Committee amendments to LB 610:
AM0644

1. On page 2, line 20, strike "four hundred", show as stricken, and insert "one thousand".

2. On page 5, line 21, strike ", as of

January 1, 1983,"; and in line 27 after "areas" insert "or state recreation areas".

LEGISLATIVE RESOLUTION 21. Indefinitely postponed.

(Signed) Bernice Labedz, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 40. Read. Considered.

LR 40 was adopted with 34 ayes, 0 nays, and 15 not voting.

LEGISLATIVE RESOLUTION 41. Read. Considered.

LR 41 was adopted with 31 ayes, 0 nays, and 18 not voting.

LEGISLATIVE RESOLUTION 42. Read. Considered.

LR 42 was adopted with 35 ayes, 0 nays, and 14 not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Fenger asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 70A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 199. E & R amendments, AM5036, found in the Journal on page 672 for the Thirty-Third Day were adopted.

Mr. Chambers offered the following amendment:

Strike lines 26, 27, on page 2, lines 1, 2 on pg 3, and insert "It shall be an affirmative defense if any person charged under this section shall show proof of purchase of an annual permit to the court."

Mr. Chambers moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Barrett	Beyer	Carsten	Chambers	Clark
Eret	Johnson, R.	Kahle	Kilgarin	Lamb
Marsh	Morehead	Nichol	Pappas	Peterson, R.

Von Minden

Voting in the negative, 28:

Abboud	Chronister	Cullan	DeCamp	Doyle
Goll	Goodrich	Hannibal	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, V.	Labedz
Landis	Lundy	Newell	Peterson, H.	Pirsch
Remmers	Rupp	Schmit	Sieck	Vickers
Wagner	Warner	Wesely		

Excused and not voting, 5:

Beutler	Fenger	Fowler	Haberman	Wiitala

The Chambers amendment lost with 16 ayes, 28 nays, and 5 excused and not voting.

The Chair declared the Call raised.

Mrs. Morehead asked unanimous consent to withdraw her pending amendments, AM0535 and AM0534, found in the Journal on page 785. No objections. So ordered.

Mesdames Labedz and Morehead renewed their pending amendment, AM0636, found in the Journal on page 828.

Mr. Schmit 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 - Morehead amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Mr. Chambers offered the following amendment:

P. 2, line 21, after "misdemeanor." Insert: "Such person shall be informed that he or she is in violation of the law and subject to a fine, and given the opportunity to leave or purchase a permit before being issued a ticket or arrested."

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, 20:

Abboud	Barrett	Chambers	Clark	Doyle

Eret	Hannibal	Higgins	Johnson, R.	Johnson, V.
Kilgarin	Lamb	Marsh	Morehead	Nichol
Pappas	Peterson, R.	Remmers	Vickers	Von Minden

Voting in the negative, 20:

Carsten	Chronister	Cullan	Goll	Goodrich
Hefner	Hoagland	Jacobson	Johnson, L.	Kahle
Labedz	Landis	Lundy	Newell	Peterson, H.
Rupp	Schmit	Sieck	Wagner	Wesely

Present and not voting, 5:

Beutler	Beyer	DeCamp	Haberman	Pirsch

Absent and not voting, 1:

Warner

Excused and not voting, 3:

Fenger	Fowler	Wiitala

The Chambers amendment lost with 20 ayes, 20 nays, 5 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 303. E & R amendment, AM5037, found in the Journal on page 699 for the Thirty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 134. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 542A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 313. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 181. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 535. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 310. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 329. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 380. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 406. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Beyer asked unanimous consent to print the following amendment to LB 26 in the Journal. No objections. So ordered.

AM0632

1. Insert the following new section:

"Section 1. The Legislature recognizes the fact that urban development, industrial development, and development along major transportation arterials has an economic impact on adjoining properties which remain in agricultural use. The Legislature further recognizes that land specifically devoted to agricultural use may become inaccurately valued for tax purposes and the value does not reflect the agricultural use of the land.

The Legislature also recognizes that land in agricultural use may become a burden on the owner when the land has become inaccurately valued because of the development of adjoining land.

The Legislature intends through sections 77-1343 to 77-1348 to allow land that is in agricultural use, and could have a burdensome valuation placed upon it, to be valued solely for its agricultural use. The influence of the adjoining land, which has been developed for purposes other than agricultural use, shall not be reflected in the value of the land.

The Legislature also intends for the owner of land that had been valued to reflect only agricultural use, after the use of the land has changed, to be responsible for the preceding five years of valuation based upon the new use of the land.".

2. On page 2, line 11, strike "agricultural or" and show as stricken; and strike the new matter in lines 11 through 15.

3. On page 3, in lines 4 through 6 strike the new matter; and in line 7, strike "exclusively", show as stricken, and insert "predominantly".

4. Renumber remaining sections accordingly.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 370. Placed on General File as amended.
Standing Committee amendments to LB 370:
AM0639

1. Strike section 1.

2. On page 5, strike beginning with "If" in line 12 through "apply" in line 14 and insert "Notwithstanding the enactment of such an ordinance, the provisions of sections 1 to 4 of this act shall apply to every city and village".

3. Renumber original sections 2 to 14 as sections 1 to 13 of this act respectively.

(Signed) David Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 19. Title read. Considered.

Standing Committee amendment, AM0250, found in the Journal on page 490 for the Twenty-Sixth Day was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Haberman renewed his pending amendment, AM0422, found in the Journal on page 653.

The Haberman amendment was adopted with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

Mr. Wagner offered the following amendment:
On page 7, line 18, after the comma insert "in the same manner"; and on line 19, strike "section" and insert "sections" and after "84-306.01" insert "to 84-306.05".

The Wagner amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 19A. 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 125. Title read. Considered.

Standing Committee amendments, AM0220, found in the Journal on page 615 for the Thirty-First Day were adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Wagner offered the following amendment to the Standing Committee amendment:
1. On page 1, line 5 after "approve" insert "or deny"; and on line 15, after "approve" insert "or deny".
2. On page 2, line 2 after "approve" insert "or deny".

The Wagner amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not

voting, and 3 excused and not voting.

Mrs. Higgins asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 126A. Title read. Considered.

Mr. Warner moved for a Call of the House. The motion prevailed with 13 ayes, 2 nays, and 34 not voting.

Advanced to E & R for Review with 28 ayes, 11 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 129. Considered.

Advanced to E & R for Review with 25 ayes, 8 nays, 13 present and not voting, and 3 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 319. Title read. Considered.

Standing Committee amendments, AM0140, found in the Journal on page 417 for the Twenty-First Day were considered.

Mr. Wesely offered the following amendment to the Standing Committee amendment:
AM0503
1. In the Standing Committee amendments,
AM0140, found on page 417 of the Journal, on page 1,
line 21, strike "direct marketing or"; and in line 22
strike "directories or other".

The Wesely amendment to the Standing Committee amendment was adopted with 14 ayes, 1 nay, 31 present and not voting, and 3 excused and not voting.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. V. Johnson requested a division of the question on the Standing Committee amendments.

The Chair sustained the division.

The first Standing Committee amendment is as follows:

1. On page 15, strike beginning with "and" in line 21 through "relationship" in line 27 and insert "(q) service performed for a motor carrier, as defined in 49 U.S.C. section 10102 (11) as amended or subsection (8) of section 75-302 as amended, by a lessor leasing one or more motor vehicles driven by the lessor or one or more drivers provided by the lessor under a lease executed pursuant to 49 CFR 1057 as amended or Article 7 of section III as amended of the rules and regulations of the Nebraska Public Service Commission with the motor carrier as lessee. This shall not preclude the determination of an employment relationship between the lessor and any personnel provided by the lessor in the conduct of the service performed for the lessee. The existence of such a lease either prior to, on the date of, or after the effective date of this act shall preclude a determination of liability as defined by the Employment Security Law after September 1, 1982;".

SPEAKER NICHOL PRESIDING

The first Standing Committee amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

The second Standing Committee is as follows:

2. On page 16, strike lines 1 through 10 and insert "and (r) service performed by an individual for a business engaged in direct marketing or compilation of directories or other marketing data bases if such service consists only of the processing of data and is performed in the residence of the individual. The performance of such service prior to, and on the date of, or after the effective date of this act shall preclude a determination of liability as defined by the Employment Security Law after January 1, 1983.".

Mr. V. Johnson requested a ruling of the Chair on whether the Standing Committee amendment (2) is germane to the bill.

The Chair ruled the amendment is germane to the bill.

Mr. Pappas asked unanimous consent to be excused. No objections. So ordered.

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

Mr. Wesely requested a roll call vote on the second Standing Committee amendment.

Voting in the affirmative, 24:

Abboud	Beyer	Clark	DeCamp	Doyle
Eret	Hefner	Johnson, L.	Johnson, R.	Kahle
Labedz	Lamb	Landis	Morehead	Nichol
Pappas	Peterson, H.	Peterson, R.	Remmers	Schmit
Sieck	Von Minden	Warner	Wesely	

Voting in the negative, 17:

Barrett	Beutler	Carsten	Chambers	Cullan
Fenger	Fowler	Hannibal	Hoagland	Jacobson
Johnson, V.	Kilgarin	Lundy	Newell	Pirsch
Rupp	Vickers			

Present and not voting, 3:

Chronister	Goll	Goodrich

Excused and not voting, 5:

Haberman	Higgins	Marsh	Wagner	Wiitala

The second Standing Committee amendment lost with 24 ayes, 17 nays, 3 present and not voting, and 5 excused and not voting.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM0378, found in the Journal on page 602. No objections. So ordered.

Advanced to E & R for Review with 31 ayes, 6 nays, 7 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 342. Placed on General File as amended.
Standing Committee amendments to LB 342:
AM0606

1. Strike the original sections and insert the following:

"Section 1. (1) The Legislature finds that

the production and marketing of agricultural commodities provide the basic foundation of the economy of the State of Nebraska and that maintaining and enhancing the stability of such foundation is essential to the general welfare of the citizens of this state and is therefore a proper and necessary function of state government.

The Legislature further finds that a substantial majority of the agricultural commodities produced in this state move in or impact upon the international market. Therefore, any trade barriers, such as embargoes, import quotas or other limitations, that are imposed by foreign countries on agricultural commodities which are produced in this state have a direct, detrimental impact on the economy of this state and on the general well-being of it's citizens.

(2) It is therefore the intent of the Legislature that a program be implemented, as provided in sections 1 to 5 of this act, to alleviate the hardships arising as a result of the imposition of foreign trade restrictions on agricultural commodities which are produced in Nebraska.

Sec. 2. (1) On all passenger motor vehicles of ten passenger capacity or less and not used for hire, and all motorcycles, as defined in subdivision (21) of section 60-301, there shall be assessed additional registration fees of five hundred dollars for such passenger motor vehicle and one hundred dollars for such motorcycles which have never been registered in this or any other state and which are manufactured in foreign countries that impose trade embargoes, import quotas, or other quantity limitations on agricultural commodities, as defined in section 2-3804, which are produced in this state and move in international commerce.

(2) The Director of Agriculture shall identify those agricultural commodities which are produced in this state.

(3) The Secretary of State shall compile and make available a list of those foreign countries which are described in subsection (1) of this section.

Sec. 3. No agency of the State of Nebraska shall purchase any motor vehicle which is manufactured in any foreign country identified pursuant to subsection (3) of section 2 of this act.

Sec. 4. After the operative date of this act, any governmental subdivision that purchases any motor vehicle which is manufactured in a foreign country identified in subsection (3) of section 2 of this act shall be assessed, at the next distribution following

such purchase, a reduction of ten per cent from the total funds distributed to the subdivision pursuant to sections 77-27,136 to 77-27,137.01.

Sec. 5. Funds collected pursuant to section 2 of this act and funds remaining in the Governmental Subdivision Fund pursuant to section 4 of this act shall be transferred and deposited in the Nebraska Agricultural Products Marketing Cash Fund, as provided for in section 2-3812.

Sec. 6. That section 60-329, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-329. For each passenger car having a seating capacity of ten persons or less and used for hire, the registration fee shall be six dollars plus an additional four dollars for every person such car is equipped to carry in addition to the driver. For every passenger motor vehicle of ten-passenger capacity or less and not used for hire, the registration fee shall be fifteen dollars plus any additional fee applicable under section 2 of this act. For buses used exclusively to carry children to and from school, and other school activities, the registration fee shall be ten dollars. For motor vehicles equipped to carry more than ten persons for hire, the fee shall be based on the weight of said vehicle. To ascertain the weight, the unladen weight in pounds shall be used. There shall be added to such weight in pounds the number of persons said vehicle is equipped to carry times two hundred, the sum thereof being the weight of said vehicle for license purposes. The unladen weight shall be ascertained by scale weighing of the vehicle fully equipped and as used upon the highways under the supervision of a member of the Nebraska State Patrol or an employee of the Department of Roads as a peace officer, as the case may be, and certified by such patrol member or peace officer to the Department of Motor Vehicles or county treasurer. The fee therefor shall be as follows:

(1) If said vehicle weighs thirty-two thousand pounds and less than thirty-four thousand pounds, it shall be licensed as a twelve ton truck as provided in section 60-331 and pay the same fee as therein provided;

(2) If said vehicle weighs thirty thousand pounds and less than thirty-two thousand pounds, it shall be licensed as an eleven ton truck as provided in section 60-331 and pay the same fee as therein provided;

(3) If said vehicle weighs twenty-eight thousand pounds and less than thirty thousand pounds, it

shall be licensed as a ten ton truck as provided in section 60-331 and pay the same fee as therein provided;

(4) If said vehicle weighs twenty-two thousand pounds and less than twenty-eight thousand pounds, it shall be licensed as a nine ton truck as provided in section 60-331 and pay the same fee as therein provided;

(5) If said vehicle weighs sixteen thousand pounds, and less than twenty-two thousand pounds, it shall be licensed as an eight ton truck as provided in section 60-331 and pay the same fee as therein provided; and

(6) If said vehicle weighs less than sixteen thousand pounds, it shall be licensed as a five ton truck as provided in section 60-331 and pay the same fee as therein provided; PROVIDED, that upon registration of motor vehicles equipped to carry ten passengers or more and engaged entirely in the transportation of passengers for hire within municipalities or in and within a radius of five miles thereof the fee shall be seventy-five dollars, and for vehicles equipped to carry more than ten passengers and not for hire the registration fee shall be thirty dollars. For passenger cars leased for hire where no driver or chauffeur is furnished by the lessor as part of the consideration paid for by the lessee, incident to the operation of the leased motor vehicle, the fee shall be fifteen dollars. Registration which is in the name of one spouse may be transferred to the husband and wife for a fee of one dollar and fifty cents. So long as one registered name on a registration of a noncommercial vehicle remains the same, other names may be deleted therefrom or new names added thereto for a fee of one dollar and fifty cents.

Sec. 7. That section 60-336, Revised Statutes Supplement, 1982, be amended to read as follows:

60-336. For the registration of every motorcycle, the fee shall be five dollars and fifty cents <u>plus any additional fee applicable under section 2 of this act</u>.

Sec. 8. That section 81-161, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-161. All purchases, leases, or contracts which by law are required to be based on competitive bids shall be made to the lowest responsible bidder, taking into consideration the best interests of the state, the quality or performance of the articles or property proposed to be supplied, their conformity with specifications, the purposes for which required, and the

times of delivery. In determining the lowest responsible bidder, in addition to price, the following elements shall be given consideration:

(1) The ability, capacity, and skill of the bidder to perform the contract required;

(2) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;

(3) Whether the bidder can perform the contract within the time specified;

(4) The quality of performance of previous contracts;

(5) The previous and existing compliance by the bidder with laws relating to the contract;

(6) The life-cost of the article or property in relation to the purchase price and specific use of the item;

(7) The performance of the article or property, taking into consideration any commonly accepted tests and standards of product usability and user requirements;

(8) Energy efficiency ratio as stated by the bidder for alternative choices of appliances or equipment;

(9) When deemed applicable by the ~~Purchasing Agent~~ materiel division, each bidder will furnish life-cycle costs between alternatives for all classes of equipment, evidence of expected life, repair and maintenance costs, and energy consumption on a per year basis;

(10) The results of the United States Environmental Protection Agency tests on fleet performance of motor vehicles. Each bidder shall furnish information relating to such results; ~~and~~

(11) Whether or not the bidder is selling an American-made product, as defined in section 9 of this act, unless American-made products of similar quality, quantity, and price are not reasonably available. This subdivision shall apply only to purchases, leases, or contracts made by the Department of Administrative Services on behalf of the State of Nebraska for the purpose of maintaining the normal operations of government; and

~~(11)~~ (12) Such other information as may be secured having a bearing on the decision to award the contract.

Reports regarding procurements made pursuant to this section shall be provided to the State Energy Office. Such reports shall be in the form and contain

such information as the State Energy Office may require.

All political subdivisions may follow the procurement principles set forth in this section if they are deemed applicable by the official authorized to make purchases for such political subdivision.

Sec. 9. For the purposes of subdivision (11) of section 81-161, American-made product shall mean a product which is either comprised of more than fifty per cent American-manufactured components or American agricultural products or which is assembled or produced primarily in the United States by American workers.

Sec. 10. It shall be the responsibility of each bidder submitting a bid to the materiel division of the Department of Administrative Services, pursuant to section 81-161, to disclose to the division the dollar value of foreign components in the product and whether the product was primarily assembled in the United States by American workers. The materiel administrator shall keep records of the products purchased by the state which are not American-made, the number of cases in which a contract was awarded to a bidder as a result of the application of subdivision (11) of section 81-161, and the number of cases in which American-made products of sufficient quantity or comparable quality were not reasonably available, and such information shall be included in an annual report to the Governor.

Sec. 11. This act shall become operative on January 1, 1984.

Sec. 12. That original sections 60-329 and 81-161, Reissue Revised Statutes of Nebraska, 1943, and section 60-336, Revised Statutes Supplement, 1982, are replealed.".

(Signed) Loran Schmit, Chairperson

Judiciary

LEGISLATIVE BILL 121. Placed on General File.
LEGISLATIVE BILL 440. Placed on General File.

LEGISLATIVE BILL 79. Placed on General File as amended.
Standing Committee amendments to LB 79:
AM0614

1. Strike original sections 1 to 4 and insert:

"Section 1. (1) A person commits sexual assault of a child if he or she subjects another person ten years of age or younger to sexual contact and the

actor is at least nineteen years of age or older.

(2) Sexual assault of a child is a Class IV felony.

Sec. 2. That section 27-404, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

27-404. (1) Evidence of a person's character or a trait of his or her character is not admissible for the purpose of proving that he or she acted in conformity therewith on a particular occasion, except:

(a) Evidence of a pertinent trait of his or her character offered by an accused, or by the prosecution to rebut the same;

(b) Evidence of a pertinent trait of character of the victim of the crime offered by an accused or by the prosecution to rebut the same, or evidence of a character trait of peacefulness of the victim offered by the prosecution in a homicide case to rebut evidence that the victim was the first aggressor. In the case of sexual assault, reputation or opinion evidence of the past sexual behavior of the victim of the sexual assault will not be admissable; or

(c) Evidence of the character of a witness as provided in sections 27-607 to 27-609.

(2) Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show that he or she acted in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

Sec. 3. That section 28-318, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-318. As used in sections 28-317 to 28-323, unless the context otherwise requires:

(1) Actor shall mean a person accused of sexual assault;

(2) Intimate parts shall mean the genital area, groin, inner thighs, buttocks, or breasts;

(3) Past sexual behavior shall mean sexual behavior other than the sexual behavior upon which the sexual assault is alleged;

(4) ~~(3)~~ Serious personal injury shall mean great bodily injury or disfigurement, extreme mental anguish or mental trauma, pregnancy, disease, or loss or impairment of a sexual or reproductive organ;

(5) ~~(4)~~ Sexual contact shall mean the

intentional touching of the victim's sexual or intimate parts or the intentional touching of the victim's clothing covering the immediate area of the victim's sexual or intimate parts. Sexual contact shall also mean the touching by the victim of the actor's sexual or intimate parts or the clothing covering the immediate area of the actor's sexual or intimate parts when such touching is intentionally caused by the actor. Sexual contact shall include only such conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification of either party;

(6) ~~(5)~~ Sexual penetration shall mean sexual intercourse in its ordinary meaning, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of the actor's or victim's body or any object manipulated by the actor into the genital or anal openings of the victim's body which can be reasonably construed as being for nonmedical or nonhealth purposes. Sexual penetration shall not require emission of semen; and

(7) ~~(6)~~ Victim shall mean the person alleging to have been sexually assaulted.

Sec. 4. That section 28-321, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-321. (1) If the defendant intends to offer evidence of specific instances of the victim's past sexual behavior, notice of such intention shall be given to the prosecuting attorney and filed with the court not later than fifteen days before trial.

(2) Upon motion to the court by either party in a prosecution in a case of sexual assault, an in camera hearing shall be conducted in the presence of the judge, under guidelines established by the judge, to determine the relevance of evidence of the victim's or the defendant's past sexual ~~conduct~~ behavior. Evidence of a victim's past sexual behavior shall not be admissible unless such evidence is: (a) Evidence of past sexual behavior with persons other than the defendant, offered by the defendant upon the issue whether the defendant was or was not, with respect to the victim, the source of any physical evidence, including but not limited to, semen, injury, blood, saliva, and hair; or (b) evidence of past sexual behavior with the defendant when such evidence is offered by the defendant on the issue of whether the victim consented to the sexual behavior upon which the

sexual assault is alleged if it is first established to the court that such activity shows such a relation to the conduct involved in the case and tends to establish a pattern of conduct or behavior on the part of the victim as to be relevant to the issue of consent.".

2. On page 7, line 15, after "sections" insert "27-404,", after "28-318" insert ", and 28-321", and strike "to"; in line 16, strike "28-320"; and in line 17 strike "28-321 to" and insert "28-322 and".

LEGISLATIVE BILL 276. Placed on General File as amended.
Standing Committee amendments to LB 276:
AM0615

1. On page 2, line 1, strike the comma after "1" and insert a period; and in line 12 before "When" insert "(2)".

2. Strike original section 2.

3. On page 4, line 18, strike "The" insert "Application for removal of the adverse party from the premises occupied by the victim of domestic abuse shall require notice and hearing, after which the"; in line 26 strike "IIIA" and insert "V"; and in line 27 strike ", 42-357,".

4. Renumber remaining sections accordingly.

LEGISLATIVE BILL 464. Indefinitely postponed.
LEGISLATIVE BILL 555. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

Agriculture and Environment

LEGISLATIVE BILL 576. Placed on General File as amended.
Standing Committee amendments to LB 576:
AM0591

1. Strike section 1 and insert the following new sections:

"Section 1. That section 57-905, Revised Statutes Supplement, 1982, be amended to read as follows:

57-905. (1) The commission shall have jurisdiction and authority over all persons and property, public and private, necessary to enforce effectively the provisions of sections 57-901 to 57-921.

(2) The commission shall have authority, and it is its duty, to make such investigations as it deems proper to determine whether waste exists or is imminent

or whether other facts exist which justify action by the commission.

(3) The commission shall have authority to require: (a) Identification of ownership of oil or gas wells, producing leases, tanks, plants, structures, and facilities for the production of oil and gas; (b) the making and filing of directional surveys, and reports on well location, drilling, and production within six months after the completion or abandonment of the well; (c) the drilling, casing, operating, and plugging of wells in such manner as to prevent the escape of oil or gas out of one stratum into another, the intrusion of water into oil or gas strata, the pollution of fresh water supplies by oil, gas, or salt water, and to prevent blowouts, cave-ins, seepages, and fires; (d) the furnishing of a reasonable bond with good and sufficient surety, conditioned for the performance of the duty to comply with all the provisions of the laws of the State of Nebraska and the rules, regulations, and orders of the commission; (e) that the production from wells be separated into gaseous and liquid hydrocarbons, and that each be accurately measured; (f) the operation of wells with efficient gas-oil and water-oil ratios, and to fix these ratios; (g) metering or other measuring of oil, gas, or product in pipelines or gathering systems; (h) that every person who produces or purchases oil or gas in this state shall keep and maintain or cause to be kept and maintained for a five-year period complete and accurate records of the quantities thereof, which records shall be available for examination by the commission or its agents at all reasonable times, and that every such person file with the commission such reports as it may reasonably prescribe with respect to such oil or gas or the products thereof; 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, or any rule, regulation, or order of the commission, may be held confidential for a period of not more than twelve months.

(4) The commission shall have authority in order to prevent waste, to regulate: (a) The drilling, producing and plugging of wells, or test holes, and all other operations for the production of oil or gas; (b) the shooting and chemical treatment of wells; (c) the spacing of wells; (d) operations to increase ultimate recovery such as, but without limitation, the cycling of

gas, the maintenance of pressure, and the introduction of gas, water, or other substances into producing formations; and (e) disposal of oilfield wastes, including salt water.

(5) The commission shall not have authority to limit the production of oil or gas, or both, from any pool or field except to prevent waste therein.

(6) The commission shall have authority to classify wells as oil or gas wells for purposes material to the interpretation or enforcement of the provisions of sections 57-901 to 57-921.

(7) The commission shall have authority to promulgate and to enforce rules, regulations, and orders to effectuate the purposes and the intent of sections 57-901 to 57-921.

(8) The commission, with the approval of the Governor, shall have authority to establish and maintain its principal office and its books, papers, and records at such place in the state as it shall determine. The commission shall not have authority to purchase its principal office quarters.

(9) The commission shall have authority to require that all wells drilled for oil and gas shall be adequately logged with mechanical-electrical logging devices, and to require the filing of logs.

(10) The commission shall have the authority to regulate the drilling and plugging of seismic and stratigraphic tests. ~~in oil, gas, and mineral exploration holes.~~

(11) The commission shall have the authority to act as the state jurisdictional agency pursuant to the Natural Gas Policy Act, P.L. 95-621, 92 Stat. 3350.

(12) The commission shall have the authority to have one or more examiners, who are employees of the commission, conduct any of its hearings, investigations, and examinations authorized by sections 57-901 to 57-921. Such examiner may exercise the commission's powers including, but not limited to, the taking of evidence and testimony under oath, resolving questions of fact and questions of law, and the entering of an order. Such order shall be entered in the commission's order journal. Any person having an interest in property affected by an order issued by an examiner and who is dissatisfied with such order may appeal to the commission by filing a petition on appeal to the commission within fifteen days of the entering of the examiner's order. Such person shall provide notice to

all interested persons by personal service or registered or certified United States mail with return receipt, requiring such parties to answer within fifteen days from the date of service. Upon appeal, the commission shall hear the case de novo on the record and shall not be bound by any conclusions of the examiner. The commission shall hold a hearing on the appeal within forty-five days of the filing of an appeal to the commission and issue its order within fifteen days after the hearing. The commission shall review all orders issued by an examiner that are not appealed and issue an order concerning the examiner's order within sixty days after the examiner's order. The commission shall adopt, amend, or reject the examiner's order. Any order of an examiner which is not appealed to the commission and which the commission adopts shall not be appealable to the district court unless the commission adopts an order before the end of the time for appeal to the commission.

Sec. 5. Nothing in sections 2 to 4 of this act shall be construed to apply to any wells covered by the provisions of sections 57-901 to 57-922.".

2. On page 26, line 19, strike "77-27,149,"; and in line 21 after the second comma insert "and section 57-905, Revised Statutes Supplement, 1982,".

3. Renumber the remaining sections accordingly.

(Signed) Rex Haberman, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 218. Placed on General File as amended.
Standing Committee amendments to LB 218:
AM0625

1. Strike original sections 1 and 3 to 8 and insert the following new section:

"Sec. 2. That original section 24-703, Revised Statutes Supplement, 1982, is repealed.".

2. Renumber original section 2 as section 1.

LEGISLATIVE BILL 222. Placed on General File as amended.
Standing Committee amendment to LB 222:
AM0624

1. On page 2, line 4, after "system" insert ", including retirement systems authorized by section 23-1118,"; and in line 7 after the comma insert "or to the county board of a county having a retirement system authorized by section 23-1118,".

(Signed) Steve Fowler, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 278. Placed on General File.
LEGISLATIVE BILL 360. Placed on General File.
LEGISLATIVE BILL 460. Placed on General File.
LEGISLATIVE BILL 461. Placed on General File.
LEGISLATIVE BILL 599. Placed on General File.

LEGISLATIVE BILL 515. Indefinitely postponed.
LEGISLATIVE BILL 548. Indefinitely postponed.
LEGISLATIVE BILL 557. Indefinitely postponed.

(Signed) John W. DeCamp, Chairperson

ANNOUNCEMENTS

Mr. Clark designates LB 343 as his priority bill.

Mr. H. Peterson designates LB 180 as his priority bill.

Mr. Vickers designates LB 341 as his priority bill.

NOTICE OF COMMITTEE HEARINGS

Judiciary

LB 614	Wednesday, March 16, 1983	7:00 p.m.
LB 625	Wednesday, March 16, 1983	7:00 p.m.
LB 447	Wednesday, March 16, 1983	7:00 p.m.

Re-hearing on LB 447 amendments (Req. 536) proposing comprehensive changes relating to the issuance of summons.

(Signed) Chris Beutler, Chairperson

Revenue

LB 624	Wednesday, March 16, 1983	1:30 p.m.

(Signed) Calvin F. Carsten, Chairperson

MOTION - Place LB 5 on General File

Mr. Haberman moved that LB 5 be placed on general file pursuant to Rule 3 section 18b.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 19 in the Journal. No objections. So ordered.

Amend the Haberman amendment to LB 19 printed on page 653 of the Journal to strike the new language in lines 8 and 9.

Mr. Haberman asked unanimous consent to print the following amendment to LB 573 in the Journal. No objections. So ordered.

Page 5, line 27, strike "Revolving" and insert "cash"
Page 6, line 2, strike "Revolving" and insert "cash"

Mr. Beutler asked unanimous consent to print the following amendment to LB 447 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - AM0536.)

Mr. DeCamp asked unanimous consent to print the following amendment to LB 9 in the Journal. No objections. So ordered.

AM0618

1. Insert the following new sections:

"Section 1. The Legislature finds that there is a constant need to employ the most qualified teachers possible in all schools and that each school district shall do everything possible to instill in its teachers a desire to produce the best education possible for Nebraska students. The Legislature further finds that the awarding of salaries and salary increases based on a merit system may be a necessary step towards producing quality teachers and quality education.

Sec. 2. (1) At least thirty days prior to the deadline for returning contracts of employment, any teacher or administrator, as defined in section 79-101, may submit a written statement to the board of education with whom he or she is employed requesting that such teacher or administrator be exempt for the succeeding school year from the tenure provisions of such school district. Upon receiving such statement, the school board shall send a copy of such statement to the State Department of Education.

(2) Any teacher or administrator, as defined in section 79-101, submitting a statement pursuant to subsection (1) of this section shall not be subject to any fixed annual compensation or salary schedule adopted

by the school district with whom he or she is employed, but shall be able to individually negotiate his or her salary.".

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Chronister asked unanimous consent to have his name added as co-introducer to LB 525. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 199 in the Journal. No objections. So ordered.

Page 2, line 25, Strike "a Class V misdemeanor"; insert "an infraction as defined in section 29-431."

VISITORS

Visitors to the Chamber were 20 first grade students, teacher, and sponsors from Clinton School, Lincoln; 19 seniors and sponsor from Aquinas; and 12 ninth through twelfth grade students and teacher from Wymore Southern, Wymore.

ADJOURNMENT

At 12:02 p.m., on a motion by Mr. Eret, the Legislature adjourned until 9:00 a.m., Thursday, March 10, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SECOND DAY - MARCH 10, 1983

LEGISLATIVE JOURNAL

FORTY-SECOND DAY - MARCH 10, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 10, 1983

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Pastor Harvey Stringer, Eastside Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Cullan, V. Johnson, and Wiitala who were excused; and Messrs. Chambers, Fowler, Newell, and Rupp who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-First Day was approved.

ANNOUNCEMENT

Speaker Nichol announced March 12 is Senator Kilgarin's birthday.

ATTORNEY GENERAL'S OPINION

Opinion No. 40
March 9, 1983

Re: LB 551

Dear Senator Haberman:

This is in reply to your inquiry concerning the constitutionality of LB 551, which would require the Director of Agriculture to establish minimum prices for wheat, feed grains, oil seeds, and milk.

In arriving at our conclusion, we call particular attention to subsection 5 of Section 2 of the bill which provides:

(5) The minimum prices established by the director for each commodity listed in subsection (1) of this section for each county of the state shall not be less than the product of the ninety per cent of parity price for each respective commodity divided by the average county loan rate, multiplied by the county loan rate of each of the counties of the state. (Emphasis added.)

With regard to the underscored provisions of subsection 5, subsection 3 defines parity prices as "the prices defined by the Agricultural Adjustment Act, 7 U.S.C. 1301," and although county loan rate is not defined in the bill, it is a well known fact that a county loan rate is the amount of money the U.S. Department of Agriculture will loan on the commodity in each county of the state.

In other words, as we pointed out with regard to the same provisions of LB 893 of the 1982 session, the Director of Agriculture would be required to set a price not less than ninety per cent of an amount fixed by Congress, divided by an amount fixed by the United States Department of Agriculture, multiplied by an amount also fixed by the United States Department of Agriculture.

As we pointed out with regard to similar provisions in LB 893 of the 1982 session, in Lincoln Dairy Corporation v. Finigan, 170 Neb. 777, 104 N.W.2d 227 (1960), our Supreme Court held: "The Legislature may not lawfully delegate legislative powers to an administrative or executive authority."

As applied to the provisions of LB 551, our Supreme Court has held that the Legislature may not delegate its power to agencies of the federal government.

In addition, we refer to subsection 2 of Section 2 where the bill states that ninety percent of parity is "a price level approximately equal to the average cost of production for each commodity"; and subsection 4 of Section 2 where the bill provides that "The minimum prices established in subsection (2) of this section shall be based on standard grade, type, or quality subject to normal price discounts or premiums." (Emphasis added.)

Aside from the possibility that the provisions of subsections 2 and 4 of Section 2 might be so vague as to jeopardize the bill's constitutionality, it is our conclusion that to the extent that the Legislature has granted two federal agencies powers which are reserved to the Legislature itself, the bill would be constitutionally suspect.

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

BLP:jmh
cc: Patrick J. O'Donnell
Clerk of the Legislature

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 40, LR 41, and LR 42.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 235. Placed on Select File as amended.
E & R amendment to LB 235:
AM5042

1. In the Standing Committee amendments, page 1, line 14, after "agency" insert an underscored comma.
2. On page 9, line 23, strike "section 18 of this act" and insert "this section".

(Signed) Rod Johnson, Chairperson

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 190. Placed on General File as amended.
Standing Committee amendments to LB 190:
AM0652

1. Insert the following new section:
"Section 1. That section 28-1101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
28-1101. As used in this article, unless the context otherwise requires:
(1) A person advances gambling activity if, acting other than as a player, he or she engages in conduct that materially aids any form of gambling activity. Conduct of this nature includes but shall not be limited to conduct directed toward (a) the creation or establishment of the particular game, contest, scheme, device, or activity involved or (b) the acquisition or maintenance of premises, paraphernalia, equipment, or apparatus therefor;
(2) Bookmaking shall mean advancing gambling activity by unlawfully accepting bets from members of the public as a business, upon the outcome of future contingent events;
(3) A person profits from gambling activity if, other than as a player, he or she accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he or

she participates or is to participate in the proceeds of gambling activity;

(4) A person engages in gambling if he or she bets something of value upon the outcome of a future event, which outcome is determined by an element of chance, or upon the outcome of a game, contest, or election, but a person does not engage in gambling by:

(a) Entering into a lawful business transaction;

(b) Playing an amusement device or a coin-operated mechanical game which confers as a prize an immediate, unrecorded right of replay not exchangeable for something of value;

(c) Conducting or participating in a prize contest; or

(d) Conducting or participating in a contest, lottery, raffle, or gift enterprise conducted in accordance with the provisions of sections 28-1113 to 28-1116;

(5) Gambling device shall mean any device, machine, paraphernalia, writing, paper, instrument, article, or equipment that is used or usable for engaging in gambling, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine. Lottery tickets and other items used in the playing phases of schemes defined in sections 28-1113 to 28-1116, are not gambling devices within this definition;

(6) Lottery shall mean a gambling scheme in which (a) the players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other medium, one or more of which chances are to be designated the winning ones, (b) the winning chances are to be determined by a drawing or by some other method based on an element of chance, and (c) the holders of the winning chances are to receive something of value;

(7)(a) Pickle card shall mean any disposable card, board, or ticket, purchased by a person that allows such person a chance to participate with tabs which, after purchase, are opened, pulled, detached, or removed, and when opened, pulled, detached, or removed, reveal a set of symbols or a combination of symbols or configurations, which are compared to a set of symbols or a combination of symbols or configurations specified as winning combinations to determine which sets, combinations, or configurations are winning combinations.

(b) The winning chances of a pickle card are determined by a method based on a element of chance because the winning cards cannot be determined or are not known until the cards are purchased and the tabs are opened, pulled, detached, or removed.

~~(7)~~ (8) Something of value shall mean any money or property, any token, object, or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property or of any interest therein, or involving extension of a service or entertainment; and

~~(8)~~ (9) Prize contest shall mean any competition in which one or more competitors are awarded something of value as a consequence of winning or achieving a certain result in the competition, and (a) the value of such awards made to competitors participating in the contest or upon the amount of consideration, if any, paid for the opportunity to participate in the contest or upon chance and (b) the value or identity of such awards to be made to competitors is published before the competition begins.

2. On page 2, line 19, after the period insert "At least sixty-five per cent of the gross proceeds from pickle cards shall be used for the awarding of prizes.".

3. On page 3, line 9, after "tickets" insert ", except pickle cards,"; in line 11 strike "section" and insert "sections 28-1101 and"; and in line 12 strike "is" and insert "are".

4. Renumber remaining sections accordingly.

(Signed) Elroy M. Hefner, Chairperson

REPORT

Received biennial report of State Treasurer pursuant to section 84-602.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 414.

(Signed) Rod Johnson, Chairperson

ANNOUNCEMENT

Mrs. Marsh announced Speaker Nichol's birthday is March 12, 1983.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 24.

A BILL FOR AN ACT to amend section 37-526, Reissue Revised Statutes of Nebraska, 1943, relating to game and parks; to prohibit the trapping of certain animals 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Doyle	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Hefner
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	Morehead	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Schmit	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely

Voting in the negative, 0.

Present and not voting, 2:

DeCamp Higgins

Excused and not voting, 7:

Chambers	Cullan	Fowler	Johnson, V.	Newell
Rupp	Wiitala			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 33.

A BILL FOR AN ACT relating to the Department of Water Resources; to provide for special data collection projects; 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, 40:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Doyle	Eret
Fenger	Goll	Goodrich	Haberman	Hannibal
Hefner	Hoagland	Johnson, L.	Johnson, R.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	Morehead	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Schmit	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely

Voting in the negative, 0.

Present and not voting, 2:

Higgins	Jacobson

Excused and not voting, 7:

Chambers	Cullan	Fowler	Johnson, V.	Newell
Rupp	Wiitala			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 33A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 33, Eighty-eighth Legislature, First Session, 1983.

Whereupon the 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Doyle	Eret
Fenger	Goll	Goodrich	Haberman	Hannibal
Hefner	Higgins	Hoagland	Johnson, L.	Johnson, R.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Schmit
Sieck	Vickers	Von Minden	Wagner	Warner

Wesely

Voting in the negative, 0.

Present and not voting, 1:

Jacobson

Excused and not voting, 7:

Chambers	Cullan	Fowler	Johnson, V.	Newell
Rupp	Wiitala			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 50. With Emergency.

A BILL FOR AN ACT to amend section 39-6,131, Revised Statutes Supplement, 1982, relating to rules of the road; to allow the use or sale of tires with certain studs or spikes; to harmonize provisions; to repeal the original section, and also sections 39-6,131.01 to 39-6,131.07, Revised Statutes Supplement, 1982; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 30:

Abboud	Beyer	Carsten	Chronister	Clark
DeCamp	Doyle	Eret	Fenger	Goll
Goodrich	Haberman	Hefner	Higgins	Jacobson
Johnson, L.	Johnson, R.	Kilgarin	Labedz	Morehead
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Schmit	Sieck	Vickers	Wagner

Voting in the negative, 12:

Barrett	Beutler	Hannibal	Hoagland	Kahle
Lamb	Landis	Lundy	Marsh	Von Minden
Warner	Wesely			

Excused and not voting, 7:

Chambers	Cullan	Fowler	Johnson, V.	Newell
Rupp	Wiitala			

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 29:

Abboud	Beyer	Carsten	Chronister	Clark
DeCamp	Doyle	Eret	Fenger	Goll
Goodrich	Haberman	Hefner	Higgins	Jacobson
Johnson, L.	Johnson, R.	Kilgarin	Labedz	Morehead
Nichol	Pappas	Peterson, H.	Pirsch	Remmers
Schmit	Sieck	Vickers	Wagner	

Voting in the negative, 13:

Barrett	Beutler	Hannibal	Hoagland	Kahle
Lamb	Landis	Lundy	Marsh	Peterson, R.
Von Minden	Warner	Wesely		

Excused and not voting, 7:

Chambers	Cullan	Fowler	Johnson, V.	Newell
Rupp	Wiitala			

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 44.

A BILL FOR AN ACT relating to obsolete sections; to repeal sections 15-267, 15-755 to 15-759, 50-501 to 50-520, 71-507 to 71-515, 79-4,161, 79-4,162, 79-4,164 to 79-4,169, 79-1409 to 79-1412, 79-1414, and 83-482, Reissue Revised Statutes of Nebraska, 1943; to repeal provisions relating to street sprinkling and off-street parking; to repeal the Nebraska Legislative Emergency Succession and Procedures Act; to remove certain bedding requirements; to repeal provisions relating to school district budgets; to remove provisions relating to schools for the deaf; and to repeal provisions relating to sentencing to the Department of Correctional Services.

Whereupon the 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:

Beyer	Carsten	Chronister	Clark	DeCamp

Doyle	Eret	Fenger	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Johnson, L.	Johnson, R.	Kilgarin	Labedz	Landis
Lundy	Marsh	Morehead	Nichol	Pappas
Peterson, H.	Pirsch	Remmers	Schmit	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely

Voting in the negative, 4:

Abboud	Barrett	Lamb	Peterson, R.

Present and not voting, 3:

Beutler	Jacobson	Kahle

Excused and not voting, 7:

Chambers	Cullan	Fowler	Johnson, V.	Newell
Rupp	Wiitala			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

The Banking, Commerce and Insurance Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Paul Amen, Director of the Department of Banking and Finance
Michael J. Dugan, Director of the Department of Insurance
Kandra Hahn, Director of the Nebraska State Energy Office
Barbara S. Huston, Nebraska Investment Council

Vote: Aye: Senators Beyer, Clark, Haberman, Labedz, Newell, Remmers, Schmit, and DeCamp. Nay: None. Absent: None.

(Signed) John W. DeCamp, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 9, 1983. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Croker, Huck & McReynolds:
Croker, Richard E. - Omaha, Nebraska Association of Sanitary and Improvement Districts (NASID)
Huck, Robert J. - Omaha, Nebraska Association of Sanitary and Improvement Districts (NASID)
McReynolds, Timothy J. - Omaha, First Federal Savings and Loan Association of Lincoln
Cutshall, Bruce A. - Lincoln, International Game Technology
Ludtke, David A. - Lincoln, Donnelley Marketing Data Processing Operations
Wegman, Peter C. - Lincoln, Donnelley Marketing Data Processing Operations
Wilgenbusch, Dr. Nancy - Omaha, College of Saint Mary

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 372. Placed on General File.

(Signed) Calvin F. Carsten, Chairperson

GENERAL FILE

LEGISLATIVE BILL 282. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 1 nay, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 282A. 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 216. Title read. Considered.

Mr. Wesely moved for a Call of the House. The motion prevailed with 6 ayes, 1 nay, and 42 not voting.

Mr. Wesely requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 16:

Goodrich	Higgins	Hoagland	Kilgarin	Labedz
Landis	Marsh	Morehead	Nichol	Pappas
Schmit	Sieck	Vickers	Wagner	Warner

Wesely

Voting in the negative, 12:

Abboud	Beyer	Clark	Goll	Hefner
Jacobson	Johnson, L.	Lamb	Peterson, H.	Pirsch
Remmers	Von Minden			

Present and not voting, 14:

Barrett	Beutler	Carsten	Chronister	DeCamp
Doyle	Eret	Fenger	Haberman	Hannibal
Johnson, R.	Kahle	Lundy	Peterson, R.	

Excused and not voting, 7:

Chambers	Cullan	Fowler	Johnson, V.	Newell
Rupp	Wiitala			

Failed to advance to E & R for Review with 16 ayes, 12 nays, 14 present and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 378. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 324. Placed on General File.

LEGISLATIVE BILL 253. Placed on General File as amended.
Standing Committee amendments to LB 253:
AM0650

1. Strike original sections 1, 4, and 6 to 11.

2. On page 5, line 12, strike the new matter; in line 16, strike "fifty" and insert "twenty-five"; in line 19, strike "one hundred" and insert "fifty"; and in line 21, strike "fifty" and insert "twenty-five".

3. On page 9, in lines 8 to 21 strike the new matter and reinstate the stricken matter; in line 24 strike "fifty" and insert "twenty-five"; and in line 27 strike "one hundred" and insert "fifty".

4. On page 10, line 4, strike "fifty" and

insert "twenty-five"; and in lines 6 to 9 reinstate the stricken matter.

5. Insert the following new section:

"Sec. 4. That section 60-534, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-534. Such motor vehicle liability policy: (1) Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and (2) shall insure the person named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle as follows: ~~Fifteen~~ Twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, fifty ~~thirty~~ thousand dollars because of bodily injury to or death of two or more persons in any one accident, and twenty-five ~~ten~~ thousand dollars because of injury to or destruction of property of others in any one accident.".

6. On page 12, line 24, after "policy" insert "or bond".

7. On page 13, strike beginning with "60-508" in line 2 through line 3 and insert "60-509, and 60-534,"; in line 4 strike "sections" and insert "section"; and in line 5 strike "60-302 and".

8. Renumber remaining sections accordingly.

LEGISLATIVE BILL 260. Placed on General File as amended.
Standing Committee amendment to LB 260:
AM0645

1. On page 2, line 6, strike "mobile home,".

LEGISLATIVE BILL 300. Placed on General File as amended.
Standing Committee amendment to LB 300:
AM0646

1. On page 2, in lines 3 and 10, strike "ninety" and insert "ninety-five".

LEGISLATIVE BILL 343. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - AM0665.)

LEGISLATIVE BILL 433. Placed on General File as amended.
Standing Committee amendments to LB 433:
AM0320

1. On page 46, line 25, strike "fiduciary".
2. On page 53, line 8, before "Neither" insert "(a)".
3. On page 54, after line 8 insert:
"(b) The declarant shall not be liable for any action, loss, or cost pursuant to this section if at the time the loss occurred, insurance required by section 47 of this act was in place.".
4. On page 56, line 2, after "the" insert "property including the".
5. On page 58, line 21, strike "mortgage" and insert "mortgagee".
6. On page 62, line 11, after "due" insert "and a notice containing the dollar amount of such lien is recorded in the office where mortgages are recorded".
7. On page 63, strike lines 10 to 13; in line 14 strike "(e)" and insert "(d)"; in line 18, strike "(f)" and insert "(e)"; in line 22, strike "(g)" and insert "(f)"; and in line 25, strike "(h)" and insert "(g)".
8. On page 66, line 19, strike "or"; in line 22 strike "." and insert ";"; after line 22 insert:
"(7) A condominium composed of not more than twenty-five units which is not subject to any development rights to add units and no power is reserved to a declarant to make the condominium part of a larger condominium, group of condominiums, or other real estate; or
(8) Any condominium composed of units not intended for residential use."; and in line 23 after "in" insert "section 54 of this act or".
9. On page 71, strike beginning with "Unless" in line 14 through the underscored period in line 19.
10. On page 76, line 7, after "or" insert "written".
11. On page 77, strike lines 7 to 17; in line 18 strike "(c)" and insert "(b)"; in line 21 strike "(d)" and insert "(c)"; and strike beginning with "(a)" in line 25 through "implied" in line 27 and insert "Implied".
12. On page 78, line 2, strike "(1)" and insert "(a)"; in line 4 strike "(2)" and insert "(b)"; strike lines 8 to 16; and in line 19 strike "six" and insert "four".
13. On page 80, line 1, strike "No

promotional" and insert "Promotional"; and strike beginning with "unless" in line 3 through "them" in line 4 and insert "provided they are labeled: (a) Must Be Built or (b) Need Not Be Built".

(Signed) John W. DeCamp, Chairperson

MOTION - Place LB 456 on General File

Messrs. Newell and Lundy renewed their pending motion found in the Journal on page 758 to place LB 456 on General File notwithstanding the committee action.

Mr. Goll 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 asked unanimous consent to withdraw his pending motion. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

March 9, 1983

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

Dear Senators:

Just over one month ago I delivered my State of the State message and announced my FY 83-84 budget recommendation of $747 million. That overall recommendation included many specific reductions that were necessary to bring our anticipated spending for next year in line with our projected revenues. I am pleased to note that, while there are differences between my budget proposal and that of the Appropriations Committee, the vast majority of my specific recommendations have been adopted by the Committee. I am certain that Chairman Warner and the other members of the Committee would agree that we are a long way from being done with the development of next year's budget. We have, however, come a long way already and the fact that there are by far more areas where we are in agreement than areas where we have substantial differences is certainly encouraging.

While there is good reason to view the actions of the Appropriations Committee as a true sign of progress there is also room for great concern in certain other areas of Legislative action.

A review of the bills introduced and still under consideration indicates that there are over forty bills with a potential fiscal impact in FY 83-84 in excess of $176,000,000. As you review the following list of some of the proposals, I'm certain that each of you can find items that you can support. However, the budget for the next year leaves very little room for new programs and new spending. While it is true that the Appropriations Committee has a lower recommendation than mine in certain areas, they are higher in other areas with the net result being about the same. To fund these proposals will most likely require further reductions in current programs.

Bills with FY 83-84 General Fund Impact

LB 14 Establish a tax credit for child care - Cost $1,865,000
LB 25 Establish sales tax for aid to potential subdivisions - Cost $1,100,000
LB 38 Increase the Nebraska Veterans Aid Trust Fund - Cost $250,000
LB 55 Require the Department of Agriculture to provide a commodity pricing directory service - Cost $58,500
LB 64 Nebraska Low Income Energy Act - Cost $350,000
LB 121 Increase the number of district judges in Lancaster County - Cost $78,000
LB 140 Provide for state funding of Silver-Haired Legislature - Cost $10,000
LB 210 Prohibit the use of sex differential retirement tables - Cost $1,615,000
LB 255 Appropriate funds for Scholarship Award Program - Cost $5,000,000
LB 317 Increase the food sales tax credit - Cost $9,000,000
LB 339 Family Farm Preservation Act - Cost $147,000,000
LB 398 Provide Appropriations for Crime Victims Reparations Board - Cost $300,000
LB 410 Provide for an increase in cigarette tax for University buildings - Cost $1,675,000
LB 444 Public Education Income Tax Act - Cost $1,820,125
LB 469 Eliminate requirement for depositing fees on the General Fund - Cost $326,190
LB 507 Increase the number of Juvenile Court Judges - Cost $75,287
LB 534 Pseudorabies Control Act - Cost $557,500
LB 568 Provide for programs of vocational education - Cost $5,302,706
LB 585 Nebraska Math and Science Teachers Student Assistance Act - Cost $61,850

Discussions with some Senators on this issue has resulted in comments to the effect that we can solve this problem by simply postponing the effective date (and the costs) to FY 84-85. This is not a solution but rather leads to exactly the same type of problem we are facing this year—commitments and obligations far in excess of estimated revenues. In fact, there are at least seven proposals in existence already at a projected general fund cost of over $494,000,000. We have yet to arrive at a funding solution for those programs passed

last year that are to be funded beginning July 1, 1983. We should not add to that burden.

Bills with FY 84-85 General Fund Impact

LB 13 Transfer Municipal Court Personnel to County Court System - Cost $7,030,979

LB 62 Provide a foreign language program - Cost $55,000

LB 126 Provide work-study programs at postsecondary education institutions - Cost $2,125,000

LB 165 Allow judges to retire after 25 years of service - Cost $140,000

LB 341 Establish funding level for School Foundation and Equalization aid - Cost $135,234,000

LB 446 Professional Staff Development Fund - Cost $977,000

LB 586 Establish a revenue sharing program for political subdivisions - Cost $349,367,000

As I stated earlier it is my goal to develop a budget that can be supported with an income tax rate of 20% and a sales tax rate of 3 1/2%. To accomplish that goal requires reductions in existing programs.

When I delivered my budget recommendation I also submitted several bills which were necessary to implement certain portions of that budget. Most of those were referred to standing committees other than Appropriations. A review of the status of these bills is listed here.

LB 192 Repeal dedication of 1¢ cigarette tax revenues to Cancer Research - Savings $1,680,000 - Advanced to General File but committee amendment would reinstate and earmark.

LB 396 Repeal General Homestead Exemption - Savings $4,700,000 - Advanced to General File

LB 468 Require funds managed by State Investment Officer to share costs - Savings $150,000 - Heard - awaiting Committee action

LB 517 Eliminate the Cancer Registry - Savings $72,000 - Heard - awaiting Committee action

LB 603 Transfer 309 Task Force and Risk Manager to DAS - Savings $163,000 - Indefinitely postponed

LB 604 Postpone State assumption of county welfare - Savings $23,000,000 - Not yet heard by Committee

LB 606 Eliminate forms management program, Foster Care Review Board, Employee Suggestion System and reduce number of Commissioners on Status of Women - Savings $160,000 - Not yet heard by Committee

I notice that the Appropriations Committee has also introduced several bills to achieve reductions in spending which have been referred to other committees. I encourage those committees to approach their task with a broad view as to the reality of our fiscal problems. So long as we continue to say, "Reductions are certainly needed but in some other areas," no significant reductions will be made. A refusal to cut current spending reduces funding for other, higher priorities. I refuse to believe that there are no cuts which can be made in existing programs. If the standing committees do not support those cuts proposed by me or by

the Appropriations Committee, it is incumbent upon them to propose alternative cuts of equal or greater amounts.

As I stated in my Budget Address, "This task will demand of all of us courage to act decisively, cooperation to achieve what is best for the State as a whole, and candor to view our economic condition realistically." Those words remain true today.

Sincerely,
(Signed) ROBERT KERREY
Governor

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 374. Title read. Considered.

Standing Committee amendments, AM0216, found in the Journal on page 476 for the Twenty-Fifth Day were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Pappas asked unanimous consent to be excused until he returns. 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 240. Title read. Considered.

Standing Committee amendments, AM0257, found in the Journal on page 476 for the Twenty-Fifth Day were adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

MR. CLARK PRESIDING

LEGISLATIVE BILL 223. Title read. Considered.

Standing Committee amendments, AM0265, found in the Journal on page 479 for the Twenty-Fifth Day were adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mrs. Higgins asked unanimous consent to be excused. No objections.

So ordered.

Advanced to E & R for Review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 281. Title read. Considered.

Standing Committee amendments, AM0208, found in the Journal on page 484 for the Twenty-Fifth Day were adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

MESSAGE FROM THE GOVERNOR

March 9, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 53, 72, 75, 98, 107, 110, 135, 145, 185, 208, 238, 298, 301, 382, 417, 421 and 522 were received in my office on March 4, 1983.

These bills were signed by me on March 9, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

STANDING COMMITTEE REPORT
Education

Your Committee on Education whose Chairman is Senator Tom Vickers to whom was referred the following gubernatorial appointments, reports the same back to the Legislature with the recommendation that the appointments be approved by the Legislature. The Committee suggests a record vote.

Dr. Ramey C. Whitney - Coordinating Commission for Postsecondary Education
LeRoy Trofholz - Coordinating Commission for Postsecondary

Education

Senator Cullan moved to approve the appointments, seconded by Senator Vickers. Voting aye: Senators Vickers, Cullan, Eret, Goll, Hoagland and Lamb. Voting no: None. Absent: Senators Fowler and Wiitala.

(Signed) Tom Vickers, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 344A. By DeCamp, 40th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 344, Eighty-eighth Legislature, First Session, 1983; and to declare an emergency.

CORRECTED STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 479. Corrected Standing Committee amendments:
AM0607

1. Insert the following new section:
"Sec. 2. That section 49-1483, Revised Statutes Supplement, 1982, be amended to read as follows:
49-1483. Every registered lobbyist for each of his or her principals, and every principal employing a registered lobbyist, shall file a separate statement for each month the Legislature is in session on one or more days, and shall file a separate statement once during each interim period between regular sessions of the Legislature. If neither a principal or lobbyist makes any expenditures in connection with a special session of the Legislature, a monthly report for such special session shall not be required. All such statements shall be filed with the Clerk of the Legislature within fifteen days after the end of the month or interim period for which the statement is required. Each statement shall show the following:
(1) The total amount received or expended directly or indirectly for the purpose of carrying on lobbying activities, with the following categories of expenses each being separately itemized: (a) Miscellaneous expenses, (b) entertainment, including

expenses for food and drink, (c) lodging expenses, (d) travel expenses, and (e) lobbyist fees for lobbyist services, except that when a principal retains the services of a person who shall have only part-time lobbying duties, only the compensation paid which is reasonably attributable to influencing legislative action need be reported; and

(2) A detailed statement of any money loaned, promised, or paid by a lobbyist to any legislator or to anyone on his or her behalf.

The lobbyist shall also file any changes or corrections to the information set forth in the registration required pursuant to section 49-1480 so as to reflect the correctness of such information as of the end of the month or other period for which such statement is required by this section.".

2. On page 8, line 11, after "sections" insert "49-1483," and after "49-14,121" insert a comma.

3. Renumber remaining sections accordingly.

(Signed) Elroy M. Hefner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. R. Peterson asked unanimous consent to print the following amendment to LB 583 in the Journal. No objections. So ordered.

AM0667

1. On page 2, line 15, after "program" insert ", serving a local community population of twenty thousand or less,".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 19 in the Journal. No objections. So ordered.

AM0662

1. On page 12, line 3, after "overpayments" insert "and return".

2. On page 13, after line 6 insert the following:

"(5) Any person paying the fee provided under this section may apply for a refund of such fee. Such fee shall be refunded by the board. The board shall provide forms at no cost to any person requesting a return of such fee.".

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 424. Placed on General File.

LEGISLATIVE BILL 483. Indefinitely postponed.
LEGISLATIVE BILL 537. Indefinitely postponed.

(Signed) Bill Barrett, Chairperson

GENERAL FILE

LEGISLATIVE BILL 299. Title read. Considered.

Standing Committee amendment, AM0262, found in the Journal on page 489 for the Twenty-Fifth 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.

LEGISLATIVE BILL 154. Title read. Considered.

Standing Committee amendment, AM0251, found in the Journal on page 490 for the Twenty-Fifth Day was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 26 ayes, 4 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 209. Title read. Considered.

Standing Committee amendments, AM0290, found in the Journal on page 501 for the Twenty-Sixth Day were adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 137. Title read. Considered.

Mr. Abboud asked unanimous consent to withdraw his pending amendment, AM0367, found in the Journal on page 726. No objections. So ordered.

SPEAKER NICHOL PRESIDING

Standing Committee amendments, AM0263, found in the Journal on page 508 for the Twenty-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, 0 nays, 17 present and not voting, and 7 excused and not voting.

Miss Kilgarin asked unanimous consent to be excused. No objections. So ordered.

ANNOUNCEMENTS

Mr. DeCamp announced the Banking, Commerce and Insurance Committee will hold an Executive Session Monday, March 14, 1983 at 1:30 p.m. in Room 1117.

Mr. Hoagland designates LB 43 as his priority bill.

Mr. Goll designates LB 365 as his priority bill.

Mr. Landis designates LB 64 as his priority bill.

Mrs. Marsh designates LB 306 as her priority bill.

Miss Kilgarin designates LB 18 as her priority bill.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 302A. By Carsten, 2nd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 302, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 213A. By Hefner, 19th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 213, Eighty-eighth Legislature, First Session, 1983.

NOTICE OF COMMITTEE HEARING
Miscellaneous Subjects

LB 427 Friday, March 18, 1983 (Cancel) 1:30 p.m.

(Signed) Elroy M. Hefner, Chairperson

MOTION - Withdraw LB 427

Mr. DeCamp moved to withdraw LB 427.

Laid over.

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 254. Placed on General File as amended.
Standing Committee amendments to LB 254:
AM0684

1. Insert the following new sections:

"Section 1. That section 71-5103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5103. On and after July 1, 1976, no ambulance may transport any patient upon any street, road, highway, or public way in the State of Nebraska unless it holds a valid license issued by the department to do so.

The board may adopt and promulgate rules and regulations establishing various classes of ambulance service based on the condition of the patient to be transported, whether life support equipment is necessary for transportation of such a patient, and similar factors.

Sec. 2. That section 71-5106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5106. The department with approval of the board shall adopt, promulgate, and enforce, by rules and regulations, ~~minimum~~ basic standards governing the design, construction, equipment, sanitation, operation, and maintenance of ambulances. Such standards for design and construction shall take effect July 1, 1976, but shall apply only to ambulances purchased or otherwise acquired on or after such date.

The department may amend such rules and regulations, but any new or more stringent design, construction, or equipment standards shall apply only to ambulances purchased or otherwise acquired on or after the effective date of the amended rules and regulations.

Sec. 3. That section 71-5107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5107. Each licensed ambulance, its equipment, and its record relating to personnel and operation shall be inspected at least ~~once annually~~ triennially by the department or its authorized representative. Each licensee of an ambulance shall maintain accurate records. Copies of such records shall

be made available to the department upon request.

Sec. 4. That section 71-5109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5109. (1) Application for a certificate of competency from the department to act as a certified ambulance attendant shall be made upon forms prepared by the department and shall contain such information as the department, with the approval of the board, shall deem necessary.

(2) Commencing July 1, 1983, in order to qualify for a certificate of competency to act as an ambulance attendant, a person shall be required to:

(a) Successfully pass the United States Department of Transportation Eighty-one Hour Emergency Medical Technician-Ambulance Course conducted by an institution, agency, corporation, or individual reviewed by the department and approved by the board;

(b) Hold a current certificate of successful completion of the United States Department of Transportation Eighty-one Hour Emergency Medical Technician-Ambulance Course, conducted in a state other than Nebraska, which required passage of a written and practical examination; or

(c) Hold a current certificate from the National Emergency Medical Technician-Ambulance Registry.

~~(2)~~ (3) Certificates of competency to act as certified ambulance attendants shall be issued by the department for the calendar years applied for and shall expire at midnight on December 31 of the third year after issuance. ~~Certificates of competency may be renewed triennially upon application.~~ A certificate holder who requests recertification shall present evidence of (a) completion of thirty hours of continuing education in any one or a combination of the skills, knowledge, or clinical experience which are the subject matters of the United States Department of Transportation Eighty-one Hour Emergency Medical Technician-Ambulance Course and (b) certification by a local training officer, rescue captain, fire chief, or ambulance chief. The department shall notify by letter each certificate holder and the ambulance service of record of such certificate holder at least ninety days ~~before~~ prior to the expiration of the certificate of ~~such fact by means of a letter addressed to him at his last place of residence as noted upon its records~~ competency to act as an ambulance attendant.

~~(3)~~ (4) The department shall, within thirty days after receipt of an application, make such investigation as is deemed necessary of the applicant for a certificate of competency as a certified ambulance attendant and, if deemed competent, shall issue a certificate of competency therefor, valid until midnight of December 31 of the third year after issuance.".

2. On page 2, lines 9 and 10, strike the new matter and reinstate the stricken matter; and in line 11 reinstate "71-1,137 to 71-1,141;".

3. On page 3, lines 14 and 15, strike the new matter and reinstate the stricken matter.

4. On page 4, reinstate beginning with "Meets" in line 3 through "to" in line 5 and after "to" insert "sections 71-5109 and 71-5110;"; strike lines 6 through 9; in lines 12 and 13, strike the new matter and reinstate the stricken matter; and in lines 14 and 15 strike the new matter.

5. On page 5, line 17, after the semicolon insert "and".

6. On page 6, line 1, after "approved" insert "training"; in line 10 reinstate "and"; and strike lines 23 through 26 and insert:

"(b) Meets all the requirements for certification as a duly certified ambulance attendant pursuant to sections 71-5109 and 71-5110;".

7. On page 7, line 6, after the semicolon insert "and"; strike lines 7 through 9; in line 10 strike "(e)" and insert "(d)"; and in line 20 strike the underscored period and insert an underscored semicolon.

8. On page 12, line 20, strike the comma and insert "and"; and strike beginning with the comma in line 21 through line 24 and insert ". Any such service program shall utilize only defibrillators which are capable of recording monitor strips and which may be operated only when equipped with a device which records audio and electrocardiogram signals. The competency of such technicians to operate a defibrillator shall be confirmed monthly. If a technician fails such confirmation, his or her certification shall be suspended until confirmation is successfully completed".

9. On page 15, line 1, strike "When", show as stricken, and insert "Except as provided in subdivision (2)(d) of section 71-5508, when".

10. On page 16, line 26, before the first "physician" insert "approved licensed" and before the second "physician" insert "approved".

11. On page 17, line 15, strike "technician"

and insert "technician-D".

12. On page 26, line 16, strike "percent" and insert "per cent".

13. On page 28, line 8, after "felony" insert an underscored period; and strike beginning with "and" in line 8 through the period in line 11 and show as stricken; and in line 25 after the comma insert "suspended,".

14. On page 31, strike line 11; in line 12 strike "(i)" and insert "(h)".

15. On page 32, line 1 strike "(j)" and insert "(i)".

16. On page 33, strike line 5; in line 6 strike "(j)" and insert "(i)"; and in line 27 strike "(k)" and insert "(j)".

17. On page 34, line 2, strike "(l)" and insert "(k)".

18. On page 36, line 6, strike the period; and in line 7 strike "To" and insert "to".

19. On page 37, line 11, strike the first "of" and insert "or".

20. On page 39, line 3, after "sections" insert "71-5103, 71-5106, 71-5107, 71-5109,".

21. Renumber remaining sections accordingly.

(Signed) George Fenger, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 170 in the Journal. No objections. So ordered.

AM0654

1. Insert the following new section:

"Section 1. That section 37-201, Revised Statutes Supplement, 1982, be amended to read as follows:

37-201. For the purpose of supplying revenue for the propagation, importation, distribution, protection, and conservation of the wildlife of this state, including all wild animals, birds, fish, and all things pertaining thereto, every person sixteen years of age or older who hunts for game animals or game birds or takes bullfrogs, or any other species as defined as game in section 37-101, or angles for fish, and every person sixteen years of age or older who engages in fur harvesting, shall first pay a fee as herein required and obtain a permit, except the owner or his or her invitee

who angles for fish in any body of water (1) which is entirely upon privately owned land, (2) which is entirely privately stocked, (3) which does not connect by inflow or outflow with other water outside said land, and (4) when such owner does not operate such body of water on a commercial basis for profit. ~~; Provided, that any~~

Any bona fide farmer or rancher who owns or leases farm or ranch land, and who actually resides on such land, together with members of his or her immediate family, ~~also residing on such land,~~ may hunt, take, and possess, within duly established season bag and possession limits, upland game, and all game except migratory water fowl, shore birds, deer, antelope, and wild turkey without the necessity of paying a fee and obtaining a hunting permit, as required in sections 37-201 and 37-213, or a habitat stamp as required in sections 37-216.01 to 37-216.09. For ~~, and for~~ the purpose of this exemption, the term immediate family shall mean and be limited to husband and wife and their minor children residing in the same household. The ~~, and the~~ term upland game shall mean and be limited to cottontail rabbits, squirrels, grouse, partridges, pheasants, prairie chickens, and quail. Such exemption shall only apply to hunting done on ~~the home farm or ranch~~ land owned or leased by the bona fide farmer or rancher, and shall not apply when hunting on the lands of other persons. ~~or on land owned by the exempted farmer or rancher and not directly connected and contiguous with the land upon which the farmer or rancher actually resides; Provided, that any~~

Any farmer or rancher owning or operating a farm or ranch may destroy or have destroyed any predator, including raccoon and opossum, preying on livestock or poultry or causing other agricultural depredation on lands owned or controlled by him or her without a permit issued by the Game and Parks Commission.".

2. On page 4, line 21, strike "section" and insert "sections 37-201 and".

3. Renumber original sections accordingly.

Mr. Lamb asked unanimous consent to print the following amendment to LB 199 in the Journal. No objections. So ordered.

AM0670

1. On page 2, line 7, after "permit" insert "for all motor vehicles except recreational vehicles";

and in line 8 strike the new matter and reinstate the stricken matter and after the period insert "The fee for the annual permit for recreational vehicles, as defined in section 71-4603, shall be twenty-five dollars per permit.".

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 24, 33, 33A, and 44.

GENERAL FILE

LEGISLATIVE BILL 391. Title read. Considered.

Standing Committee amendments, AM0317, found in the Journal on page 544 for the Twenty-Eighth 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 230. Title read. Considered.

Standing Committee amendments, AM0315, found in the Journal on page 548 for the Twenty-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 302. Title read. Considered.

Standing Committee amendments, AM0318, found in the Journal on page 575 for the Twenty-Ninth Day were adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Carsten asked unanimous consent to be excused. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 235A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 235, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 273A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 273, Eighty-eighth Legislature, First Session, 1983.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 41
March 3, 1983

Dear Senator Pappas:

You have asked for our opinion on two matters in connection with LB 336. You first ask for our opinion on the constitutionality of the distribution of net proceeds provided for in the bill. Secondly, you ask our opinion on the constitutionality of the state operating a lottery without submitting the question to the voters. We will answer your questions in the order they are asked.

Section 10 provides that 45 percent of the gross proceeds shall be used to award prizes and at least 30 percent shall be paid to the State Lottery Community Betterment Fund. Section 31 specifies that money in the State Lottery Community Betterment Fund shall be appropriated for the payment of prizes, for the repayment of money appropriated by the Legislature, for reasonably necessary expenses of the commission, and to aid incorporated cities, villages, counties, and school districts for community betterment purposes. Section 32 provides that the commissioner shall promulgate rules and regulations delineating the procedures by which aid to incorporated cities, villages, counties, and school districts shall be distributed. That section continues:

> The rules and regulations shall provide that financial aid be distributed to such cities, villages, counties, and school districts. One-third of the money for financial aid to such political subdivisions shall be appropriated to the State Department of Education which shall distribute such amount to school districts in the manner provided by sections 79-1331 to 79-1344. The money appropriated to the department shall be considered as separate and apart from any other revenue appropriated to the department by the Legislature which is derived from any other source. Two-thirds of the money for financial aid shall be distributed to the counties in the state on a per capita basis, based upon the most recent federal decennial census, and each county shall distribute such money to the cities and villages within its boundaries on a per capital basis.

It is thus clear that one-third of the money derived from the

operation of a lottery shall be appropriated to school districts and two-thirds of the money shall be appropriated to cities and villages. We believe that this distribution formula fails for being an improper classification. We point to State ex rel. Douglas v. Marsh, 207 Neb. 598, 300 N.W.2d 181 (1980). In that case the Supreme Court was considering the constitutionality of the distributional formula established under LB 882, Eighty-sixth Legislature, Second Session, 1980. The court, in discussing the granting of state aid to political subdivisions said:

> There is no absolute constitutional prohibition against the state granting aid to governmental subdivisions. The formula for granting aid, however, must be of such a nature that similar governmental subdivisons are treated in a similar manner and, as circumstances change, adjustments between governmental subdivisions are made.

In State ex rel. Douglas v. Marsh, supra, the court was dealing with the question of frozen classifications with respect to the manner of distribution. It was also, however, dealing with the reasonableness of the classification and the basis upon which they were established. The Supreme Court had previously dealt with this question in City of Scottsbluff v. Tiemann, 185 Neb. 256, 175 N.W.2d 74 (1970), a case in which an act had been adopted to require the establishment of municipal courts in certain cities in the state. Cities having more than 13,000 population located in a county having more than 33,000 inhabitants according to the 1960 federal census were required to establish such courts. The court found the classification to be closed and then went on to discuss the question of whether or not the classification there used was reasonable. The court said:

> Since the newly created courts in the act are primarily for the benefit of the city, there would appear to be no sound reason for tieing their mandatory creation to county population. But, if we were to assume that such a tied-in correlation is permissible, it does not appear a reasonable one in the present case. We can detect no scheme or apparent legal relationship to the purposes of the act in the proportions present between the city and the county populations. They appear to be vicarious, irrational, and totally unrelated. The attempt to explain it perhaps even defies speculation. There is not even an attempt to set up proportional city and county populations. Nor does any peculiar factor appear which would tie in the need as a class for a municipal court in a city of 13,377 with a county population of over 33,000 with the need for a municipal court in a city of 25,742 in a county of similar population.

185 Neb. at 268.

Two examples will suffice, we believe, to show the invalidity of the purported classification herein. In the first, one could look to Banner County and assume its population as 1,000 inhabitants. Secondly, one could look to Douglas County assume its population of approximately 375,000. Further, assuming one million dollars in revenue were to be

distributed and there were one million inhabitants in the state, Banner County would receive $1,000 all of which would go to the single city having 30 inhabitants, thus resulting in approximately $33.00 per inhabitant. Douglas County on the other hand would receive $375,000 dollars and, while there are a few inhabitants in Douglas County outside of the city limits, the per capita distribution to Douglas County would be in the neighborhood of $1.00 per inhabitant. In the second example, one could have similar sized towns in two counties of differing populations. The amount those towns would receive would vary according to the county population and also according to the population of the other towns within each county.

Once again, since the benefit of this act seems to be directed toward cities in the accomplishment of "city betterment purposes," we fail to see how these differing results could be based on any reasonable classification. As the courts have recognized, it is within the power of the Legislature to classify for purposes of legislation. However, those classifications must rest on real and substantial differences and not be illusory or so arbitrary and capricious as to be unfair.

In your second question you ask whether or not the Legislature may constitutionally commence operating a state lottery without a vote of the people. Article III, Section 24, of the Constitution in part provides:

> The Legislature shall not authorize any game of chance, nor any lottery, or gift enterprise where the consideration for a chance to participate involves the payment of money for the purchase of property, services, chance or admission ticket, or requires an expenditure of substantial effort or time; Provided, that it may authorize and regulate other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

This section of the Constitution authorizes the Legislature within the limits set forth therein to authorize and regulate lotteries, raffles, and gift enterprises by statute. This has been recognized by the Nebraska Supreme Court in State v. City Betterment Corporation, 197 Neb. 575, 250 N.W.2d 601 (1977). The court said:

> The Constitution of Nebraska still forbids any lottery except a lottery specifically authorized by the Legislature within the limitations of Article III, section 24. Under the 1968 amendment, the Legislature cannot authorize any lottery beyond the specific scope of the constitutional permission. The Legislature may refuse to authorize any lottery, or it may impose limits or restrictions, or qualifications upon the operation of a lottery it authorizes.

The court went on to find in City Betterment Corporation that a lottery conducted by an organization whose primary activities were to conduct a lottery was in violation of the statute then in effect.

In analyzing Article III, Section 24, it is clear that the Legislature

may authorize and regulate lotteries which are intended for a business promotion or where the proceeds are used for charitable and community betterment purposes and profits do not inure to the promoter of the lottery, raffle, or gift enterprise. None of these prohibitions mandate a vote of the people prior to the establishment of such a lottery. We are unaware of any other constitutional provision which would require a vote of the people in such a situation.

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

PTO:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 42
March 8, 1983

Dear Senator Landis:

In your letter of February 25, 1983, you ask whether or not in our opinion the Legislature is empowered to hold confirmation hearings on gubernatorial appointments in several specified circumstances.

The particular circumstances about which you inquire are first, a reappointment to a second term on a commission or board; second, an appointment of an executive department director who was appointed and confirmed in a previous administration and retained by a current administration; and third, the appointment of the Adjutant General.

The legislative responsibilitities in this regard generally come from both provisions of the Constitution of the State of Nebraska and from legislation enacted by the Legislature. Article IV, section 10 of the Constitution of the State of Nebraska provides: "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; . . ."

Additionally, the Legislature has provided in Neb.Rev.Stat. §81-102 (1982 Supp.): "The Governor shall appoint heads for the various departments, subject to confirmation by a majority vote of the members elected to the Legislature."

With respect to your first two questions, we believe that when an individual is again appointed by a subsequent Governor having been appointed initially by a previous Governor, that such an appointment is nevertheless an initial appointment for the present Governor and must be confirmed by the present Legislature. We believe this would be equally true for appointments to boards and commissions as it would be

to appointments to head the various executive departments.

The situation concerning the Adjutant General is slightly different however. While we are of the opinion that an initial appointment of an individual to the position of Adjutant General must be confirmed by the Legislature, such an appointment is for a period of years until the individual reaches the age of 64 as is provided in Neb.Rev.Stat. §55-136. It would appear that while such an individual could no doubt be removed by a new Governor, his continuation in office does not necessarily constitute a new appointment given his statutory tenure and it would not therefore be necessary to reappoint and reconfirm this individual.

Finally we note in passing, that while Neb.Rev.Stat. §81-102 (1982 Supp.) enumerates a number of department heads, this is not an exclusive list and the general language of Article IV, section 10 of the state Constitution, requires the submission and confirmation of all persons whose offices are established by law.

We would also note in passing that our research indicates that at least in several instances, persons originally appointed by the Exon administration, who were retained by the Thone administration, were appointed again by the new administration, submitted to the Legislature and confirmed after hearings before your body. Therefore in addition to the statutory and constitutional language referred to above, there is legislative precedent for this practice.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:pjs
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 43
March 8, 1983

Dear Senator Warner:

In our Opinion No. 14, issued January 27, 1983, we expressed doubt as to the validity of a provision of LB 26 that land disqualified from "greenbelt" treatment solely because of the passage of LB 26 should not be required to repay the taxes saved in the last five years because of such treatment. We felt it amounted to unreasonable class legislation, because it could, in some situations, put land disqualified by LB 26 in a more favorable situation than land not so disqualified. We will not repeat that discussion here, but refer you to that opinion.

In response, you have submitted to us an amendment to LB 26, which would strike the original provision we discussed, and substitute

the following new language:

"Land receiving special assessment as agricultural use land immediately prior to the effective date of this act that becomes disqualified on the effective date of this act solely because of the amendment of sections 77-1343, 77-1344, and 77-1347 by this legislative bill shall not be subject to subsection (1) of this section at that time, but shall be subject to subsection (1) of this section if any other event occurs which would disqualify such land if it had been receiving the special assessment as agricultural use land."

You ask two questions about the effect of such amendment. You give us a hypothetical example of land which has enjoyed special assessment as agricultural land under the law from 1978 to 1983, but becomes disqualified by the provisions of LB 26, and is then assessed at its actual value for other uses. Because of the amendment referred to above, there will be no immediate recovery of the amount of taxes saved during the preceding five years as provided in subsection (1) of §77-1348.

You assume, however, that the land becomes disqualified in 1993 by some other event, such as being devoted to other than agricultural uses. Your question is whether, in that situation, the assessor would be required to take steps to recover the taxes saved by the owner for the period from 1978 to 1983, plus interest. We conclude that, under the statutes, as they would be amended by LB 26, as amended, the assessor would be required to do so.

We say this because §77-1348 (1) (a) provides that upon disqualification of the land the assessor shall collect the amount by which the taxes assessed against the land would have been increased if it had been valued without regard to the greenbelt provisions "during the last five or lesser number of years in which such agricultural use assessment was in effect for the land." Under your hypothetical situation, the last five years in which the special assessment was in effect for the land would be 1978 to 1983, and under the plain language of the statute, the assessor would be required to collect the taxes saved during those years.

We wish to emphasize, however, that our answer to your question is simply one of statutory construction, and not of constitutional necessity. We are not saying that our opinion of January 27, 1983, requires such a result as a constitutional matter.

You also ask whether the disqualifiying event would have to be an event which would have disqualified the land before the effective date of LB 26, in order to trigger the duty on the part of the assessor to recover the taxes saved, or whether it could be triggered by a future amendment specifying another disqualifying event. We conclude that there is nothing in your amendment which limits the disqualifying event to one specified before the effective date of LB 26. The only exception to the general rule is the amendments affected by LB 26, itself. A future amendment of the statute would be included in the description of "any other event," as used in your amendment, and would require the

appropriate action by the county assessor.

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

RHG:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature
2018 State Capitol
Lincoln, Nebraska 68509

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 50.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 256. Placed on General File as amended.
Standing Committee amendments to LB 256:
AM0249

1. On page 2, line 7, strike the comma, show as stricken, and insert "(1)", reinstate the stricken matter, strike the new matter, and after, "thousand" insert "and less than ten thousand"; in line 8 strike beginning with "for" through the second "and" and show as stricken, and strike the new matter; in line 9 strike beginning with "thousand" through "districts" and show as stricken; strike beginning with "." in line 11 through "in" in line 12 and insert "pursuant to section 49-14,102, and (2) in amounts in excess of ten thousand dollars in any one school year unless the contract is awarded through an open and public process in conformance with"; and in line 17 after the period insert "Regardless of the dollar amount of any such contract, no school officer who is or may be a party to such contract shall participate in any manner in the preparation of specifications for the contract, in the opening of any bid or proposal for such contract, in any review or discussion of such bid, proposal, or contract with any school staff, or in any school board discussion or vote concerning such contract. Notwithstanding section 84-1410, no meeting related to the formulation or awarding of any such contract may be held at a closed session unless clearly necessary for the protection of

the public interest. Any contract let in violation of this section shall be declared void by the district court.".

LEGISLATIVE BILL 287. Placed on General File as amended.
Standing Committee amendments to LB 287:
AM0680

1. On page 8, line 6, strike "computation" and insert "compilation".
2. On page 9, line 27, strike "each such school district's average".
3. On page 10, line 1, strike "adjusted gross income" and insert "the average adjusted gross income of resident taxpayers of each such school district".

LEGISLATIVE BILL 495. Indefinitely postponed.

(Signed) Tom Vickers, Chairperson

Revenue

LEGISLATIVE BILL 17. Placed on General File as amended.
Standing Committee amendments to LB 17:
(Standing Committee Amendment printed separate from the Journal and on file in the Clerk's Office - AM0678.)

(Signed) Calvin F. Carsten, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 50.

(Signed) Rod Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 594. Title read. Considered.

Standing Committee amendment, AM0337, found in the Journal on page 581 for the Twenty-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 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 119. Title read. Considered.

Standing Committee amendment, AM0236, found in the Journal on page 601 for the Thirtieth 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 204. Title read. Considered.

Standing Committee amendments, AM0293, found in the Journal on page 601 for the Thirtieth Day were adopted with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 27 ayes, 4 nays, 9 present and not voting, and 9 excused and not voting.

MOTION - Return LB 473, 475, 480 to Committee

Mr. DeCamp moved to return LB 473, 475 and 480 to committee for corrective committee action.

The motion prevailed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

ANNOUNCEMENTS

Mr. Schmit announced an Executive Session of Public Works Committee following their hearing on Governor's Appointment today.

Mr. Warner designates LB 120 as his priority bill.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 371A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 371, Eighty-eighth Legislature, First Session, 1983.

VISITORS

Visitors to the Chamber were Dr. and Mrs. Daryl Wills and Bev Dishman from Gering; Shelly Halstead and Tam Kerl from Scottsbluff; basketball team and coaches from North Platte; 15 students and

teacher from Irving Junior High, Lincoln; 13 students and teacher from Exeter High School; 20 students and teacher from Norris Elementary School; 5 students and professors from Union College, Lincoln; 14 fourth grade students and teacher from Brownell-Talbot, Omaha; and Senator Lamb's son, Dave Lamb, and his wife, Donalee, and their son, Jason, from Anselmo.

ADJOURNMENT

At 12:07 p.m., on a motion by Mr. Jacobson, the Legislature adjourned until 10:00 a.m., Monday, March 14, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-THIRD DAY - MARCH 14, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 14, 1983

Pursuant to adjournment, the Legislature met at 10:01 a.m., Speaker Nichol presiding.

PRAYER

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

ROLL CALL

The roll was called and all members were present except Mr. Hoagland who was excused; and Messrs. Chambers, Doyle, Haberman, V. Johnson, Schmit, Warner, Wiitala, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Second Day was approved.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 204A. By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 204, Eighty-eighth Legislature, First Session, 1983.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 44
March 9, 1983

Dear Senator Carsten:

You have pointed out that LB 59 would set the state income tax rate for 1983 at 20 percent. Your question is whether, assuming that the increased income tax rate would result in the total receipts from sales and use taxes not being "as nearly as possible equal" to the total individual income tax receipts, the State Board of Equalization and Assessment would be forced to increase the state sales tax rate to achieve this equality.

We believe your question is answered in the negative by Neb.Rev.Stat. §77-2715.01(1)(e) (Supp. 1982), which provides:

> The rates of the sales and income taxes shall be fixed so that the total sales and use taxes levied will as nearly as possible equal the total individual income tax levied for the calendar year for which the rates so fixed will be effective except when a change in the sales and use tax rate or individual income tax rate would be required solely to meet the provisions of this subdivision. The board shall set the rates in such a manner that total sales and use tax revenue should not exceed total individual income tax revenue in any particular year.

(Emphasis supplied.)

It appears to us that this language specifically covers the situation where a change in the tax rates is made by the Legislature. If the state board had made the change in the income tax rate at its November meeting, it would have been required to meet the "as nearly as possible equal" standard. Where, however, the change is made by the Legislature, it would seem that the only reason for changing the sales and use tax rate would be to "meet the provisions of" subdivision (1)(e), and that subdivision specifically says that the change is not required in that situation.

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

RHG:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 46
March 7, 1983

Dear Senator V. Johnson:

You have asked whether correspondence and memoranda of a state senator are presently covered by Neb.Rev.Stat. §§84-712 et seq. (Reissue 1981), of the Freedom of Information Act.

In response we first point out that §84-712.01 (Reissue 1981) provides in part:

(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, . . . or any . . . branch, . . . of any of the foregoing.

In the past we have said:

{I}t may be said that a public record is one that is kept by virtue of a duty imposed by law upon an agency or officer which is not expressly or by necessary implication made confidential, privileged, or private by statute. A further definition of public records is contained in §81-1117.04, { (Reissue 1981) } . . . With these definitions it may be said that all records generated by state officers or agencies are public except where made private, confidential or privileged by law. . . . .

Historically, the State of Nebraska has implemented public access to public records. As early as 1886 the Supreme Court in State v. Meeker, 19 Neb. 106, 26 N.W. 620 (1886), compelled a clerk of a district court to disclose the records of his office. The statute at that time provided:

"All citizens of this state and all other persons interested in the examination of public records are hereby fully empowered and authorized to examine the same free of charge during the hours of respective officers may be kept open for the ordinary transaction of business.

That early statute with minor modification survives today as sec. 84-712, R.R.S. 1943.

Report of the Attorney General, No. 195, 1975-1976

In addition to the above, from our examination of the legislative history of the above statutes, we do not find any attempt to make documents generated by any state employee, the property of the employee or to be exempt from examination by the public.

Beyond our former conclusion, in the context of your specific question, it is our further conclusion that any record generated by an employee of the state within the course of their employment is state property, and as such is public unless made private, confidential or privileged by law.

With regard to a possible exemption of some specific records of members of the Legislature, we refer to that part of §84-712.05 (Reissue 1981) which provides:

The following records, unless publicly disclosed in an open court, open administrative proceeding or open meeting or disclosed by a public entity pursuant to its duties, may be withheld from the public by the lawful custodian of the records:

. . . .

(5) Records developed or received by . . . public bodies charged with duties of investigation or examination . . .

In this regard we have said that records of phone calls paid for by public funds are generally available for public inspection but that such

records pertaining to work done by individual members of the Legislature as a part of their duties of "investigation and examination", are exempt from public disclosure. This leaves the question of what constitutes records which are a part of a member of the Legislature's duties of "investigation and examination" a question of fact, in each case determinable pursuant to the provisions of §84-712.03 (Reissue 1981), and not a question of law to which we could address ourselves.

In summary, it is our conclusion that all documents in the possession of a member of the Legislature which are generated or received in the course of their exercising their duties as memnbers of the Legislature, are a public record and subject to examination unless they are developed or received under a legislator's powers of "investigation and examination".

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

BLP:pjs
cc: Patrick J. O'Donnell
Clerk of the Legislature

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 10, 1983, at 2:25 p.m., were the following bills: 24, 33, 33A, 44, and 50.

(Signed) Pamela Moravec, Enrolling Clerk

MESSAGES FROM THE GOVERNOR

March 13, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 24, 33, 33A, 44, and 50 were received in my office on March 10, 1983.

These bills were signed by me on March 13, 1983 and delivered to the Secretary of State.

Sincerely,

(Signed) ROBERT KERREY
Governor

RK/AEC

March 9, 1983

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Public Employees Retirement Board, requiring legislative confirmation:

Appointee: Phil Kaldahl (Participant representative), 1116 Lincoln Road, Bellevue NE, 68005, 291-0236, Succeeds: Jane Williams, Recalled Appointment
Appointee: Alcurtis Robinson (Public representative), 11422 Kansas Plaza, Omaha, NE 68164, 493-5824 (h), 342-7600 (w), Succeeds: Lloyd W. Kilmer, Recalled Appointment
Appointee: Jean Jeffrey (Public representative), 2116 The Knolls, Lincoln, NE, 423-4646 (h), 483-7711 (w), Succeeds: Gretchen Gottschalk, Recalled Appointment

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

March 9, 1983

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Environmental Control Council, requiring legislative confirmation:

Appointee: Michael M. Garwood, (Municipal Govenment

representative), 1224 Cheyenne Avenue, Alliance, NE 69301, 308/762-4596 (h), 762-1400 (w), 762-5400 (w), Succeeds: Shirley J. Howell, Recalled Appointment

Appointee: William C. Peters (County Government representative) 1455 11th Street, Gering, NE 69341, 308/436-7136, Succeeds: Gretchen Hirshback, Recalled Appointment

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

March 9, 1983

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Nebraska State College Board of Trustees requiring legislative confirmation:

Appointee: Pete G. Kotsiopolos, 1603 West 37th Street, Kearney, NE 68847, 308/237-9328 (h), 237-2205 (w), Succeeds: John G. Lowe, III

Appointee: Tom Morrissy, 962 North 5th Street, Tecumseh, NE 68450, 335-3284 (w), 335-3405 (h), Succeeds: Ward H. Reesman

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Pete G. Kotsiopolos
Tom Morrissy
Accountability and Disclosure Commission
Nebraska State College Board of Trustees
Department of Administrative Services

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 169. Placed on Select File as amended.
(E & R Amendment printed separate from the Journal and on file in the Clerk's Office - AM5043.)

Correctly Engrossed

The following bills were correctly engrossed: 134, 181, 303, 310, 313, 329, 380, 406, 535, 70A, and 542A.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 313

The following changes, required to be reported for publication in the Journal, have been made:
ER0018

1. On page 1, line 5, "contribution" has been stricken and "employer account" inserted.

2. On page 2, line 25 and page 5, line 3, "employment" has been stricken and "employer" inserted.

(Signed) Tristi J. Wilson
E & R Attorney

NOTICE OF COMMITTEE HEARING
Public Works

Governor's Appointments, Thursday, March 17, 1983 1:00 p.m.
Richard Hahn, Natural Resources Commission
Robert Bell, Natural Resources Commission
Michael Shaughnessy, Natural Resources Commission

(Signed) Loran Schmit, Chairperson

STANDING COMMITTEE REPORT
Public Works

The Public Works Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

George A. Miles, State Highway Commission
Holly Jensen, Director of the Motor Vehicle Department
Lou Lamberty, Director - State Engineer of the Department of Roads

Terrence D. Malcom, Oil and Gas Conservation Commission
J. Michael Jess, Director of the Department of Water Resources
Joseph W. McNamara, Jr., Board of Public Roads Classifications & Standards

Vote: Aye: Senators Schmit, Beyer, DeCamp, Doyle, Hoagland, Lamb, and Wesely. Nay: None. Absent: Senator Clark.

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Beyer asked unanimous consent to print the following amendment to LB 319 in the Journal. No objections. So ordered.

AM0704
1. On page 16, strike lines 1 through 10.

MOTION - Withdraw LB 427

Mr. DeCamp renewed his pending motion found in the Journal on page 892 to withdraw LB 427.

The motion prevailed with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

MOTION - Approve Appointments

Mr. George Fenger moved the adoption of the report of the Public Health and Welfare Committee for the following Governor appointment found in the Journal on page 803: Gina Dunning - Director of the Department of Public Welfare.

Voting in the affirmative, 27:

Beyer	Carsten	Clark	Cullan	DeCamp
Eret	Fenger	Fowler	Goll	Goodrich
Hannibal	Hefner	Jacobson	Johnson, L.	Johnson, R.
Landis	Morehead	Newell	Nichol	Peterson, H.
Peterson, R.	Remmers	Rupp	Vickers	Von Minden
Wagner	Wesely			

Voting in the negative, 0.

Present and not voting, 13:

Abboud	Barrett	Beutler	Chronister	Higgins
Kahle	Labedz	Lamb	Lundy	Marsh

Pappas	Pirsch	Sieck		

Excused and not voting, 9:

Chambers	Doyle	Haberman	Hoagland	Johnson, V.
Kilgarin	Schmit	Warner	Wiitala	

The appointment was confirmed with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mrs. Bernice Labedz moved the adoption of the report of the Constitutional Revision and Recreation Committee for the following Governor appointment found in the Journal on page 839: Dr. Timothy J. Biga - Commissioner, Game and Parks Commission.

Voting in the affirmative, 30:

Abboud	Beyer	Chronister	Clark	Cullan
DeCamp	Eret	Fowler	Goll	Goodrich
Hannibal	Hefner	Johnson, L.	Kahle	Labedz
Landis	Lundy	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Remmers	Rupp
Sieck	Vickers	Von Minden	Wagner	Wesely

Voting in the negative, 0.

Present and not voting, 10:

Barrett	Beutler	Carsten	Fenger	Higgins
Jacobson	Johnson, R.	Lamb	Marsh	Pirsch

Excused and not voting, 9:

Chambers	Doyle	Haberman	Hoagland	Johnson, V.
Kilgarin	Schmit	Warner	Wiitala	

The appointment was confirmed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Mr. Tom Vickers moved the adoption of the report of the Education Committee for the following Governor appointments found in the Journal on page 888: Dr. Ramey C. Whitney and LeRoy Trofholz - Coordinating Commission for Postsecondary Education.

Voting in the affirmative, 25:

Abboud	Beyer	Carsten	Chronister	Cullan
DeCamp	Eret	Fenger	Fowler	Goll

Hefner	Johnson, L.	Kahle	Landis	Morehead
Newell	Nichol	Peterson, H.	Peterson, R.	Remmers
Rupp	Sieck	Vickers	Warner	Wesely

Voting in the negative, 0.

Present and not voting, 16:

Barrett	Beutler	Clark	Goodrich	Hannibal
Higgins	Jacobson	Johnson, R.	Labedz	Lamb
Lundy	Marsh	Pappas	Pirsch	Von Minden
Wagner				

Excused and not voting, 8:

Chambers	Doyle	Haberman	Hoagland	Johnson, V.
Kilgarin	Schmit	Wiitala		

The appointment was confirmed with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. John W. DeCamp moved the adoption of the report of the Banking, Commerce and Insurance Committee for the following Governor appointments found in the Journal on page 879: Paul Amen - Director of the Department of Banking and Finance; Michael J. Dugan - Director of the Department of Insurance; Kandra Hahn - Director of the Nebraska State Energy Office; Barbara S. Huston - Nebraska Investment Council.

Voting in the affirmative, 26:

Beyer	Carsten	Cullan	DeCamp	Eret
Fenger	Fowler	Goodrich	Hefner	Johnson, L.
Johnson, V.	Kahle	Landis	Nichol	Pappas
Peterson, H.	Peterson, R.	Remmers	Rupp	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala				

Voting in the negative, 0.

Present and not voting, 17:

Abboud	Barrett	Beutler	Chronister	Clark
Goll	Hannibal	Higgins	Jacobson	Johnson, R.
Labedz	Lamb	Lundy	Marsh	Morehead
Newell	Pirsch			

Excused and not voting, 6:

Chambers Doyle Haberman Hoagland Kilgarin Schmit

The appointment was confirmed with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 416. Placed on General File as amended.
Standing Committee amendment to LB 416:
AM0554

1. On page 2, line 16, strike the new matter and insert "which (1) approve existing training courses in a domiciliary facility, residential care facility, mental health center, or center for the developmentally disabled, (2) provide for establishment of new training courses and their"; in line 19 strike "and to", show the old matter as stricken, and insert ", and (3)"; in line 20 strike the second "and", show as stricken, and insert ". Such regulations shall"; and in line 21 strike "must" and show as stricken.

LEGISLATIVE BILL 486. Indefinitely postponed.

(Signed) George Fenger, Chairperson

Urban Affairs

LEGISLATIVE BILL 451. Placed on General File as amended.
Standing Committee amendments to LB 451:
AM0664

1. On page 2, line 8, after"building" insert ", or equipment"; in line 12 strike "and" and insert "or"; strike beginning with "as" in line 13 through the comma in line 14 and insert "located within a municipality of the metropolitan, primary, first or second class"; in line 18 after "governmental" insert "or multi-family housing" in line 22 strike "and" and show as stricken; and in line 24 after "device" insert "; and (5) Blighted area shall mean an area within this state which has been designated by a resolution of the governing body of such city as a blighted area pursuant to subdivision (11) of section 18-2103".

2. On page 9, after line 9, insert the following new subsection:

"(3) At a public hearing or at the adjournment of such hearing, the governing body of the city in which

the proposed project is located shall determine whether the location of the proposed project is within a blighted area and whether the proposed project is within the development plan or plans for the area. Notice of the time and place of the hearing shall be published at least one time not less than three days prior to the hearing in a legal newspaper having a general circulation within the boundaries of the city. Upon a favorable resolution by the governing body of the city where the proposed project is located, the governing body of the city or county may proceed to issue bonds.".

3. Insert the following new sections:

" Sec. 5. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

4. Renumber original section 5 as section 6.

LEGISLATIVE BILL 540. Placed on General File as amended.
Standing Committee amendments to LB 540:
AM0633

1. On page 2, line 7, strike "must" and insert "shall"; in line 8, after "workshop" insert ", a work activity center,"; in line 11 after "830" insert "as a sheltered workshop or a work activity center"; in line 14 strike "fifteen" and insert "ten"; and in line 26 strike "accomodate" and insert "accommodate".

2. On page 4, after line 12 insert the following:

"An agency, subdivision, or city under home rule charter shall furnish prior public notice of its intention to enter into such contract, the general nature of the proposed work, and the name of the person to be contacted for additional information by any sheltered workshop interested in contracting for such work.".

3. Insert the following new section:

"Sec. 5. Notwithstanding the provisions for public lettings required by a city home rule charter adopted pursuant to Article XI of the Nebraska Constitution, the governing body of any such city may negotiate directly with a sheltered workshop pursuant to section 3 of this act.".

4. Renumber remaining sections accordingly.

LEGISLATIVE BILL 429. Placed on General File as amended.
Standing Committee amendments to LB 429:
AM0623

1. Insert the following new sections:

"Sec. 4. That section 76-1818, Revised Statutes Supplement, 1982, be amended to read as follows:

76-1818. The fund shall have the following duties:

(1) To invest any funds not needed for immediate disbursement, including any funds held in reserve, in direct and general obligations of or obligations fully and unconditionally guaranteed by the United States, obligations issued by agencies of the United States, any obligations of the United States or agencies thereof, obligations of this state, or any obligations or securities which may from time to time be legally purchased by governmental subdivisions of this state pursuant to section 77-2341, except that any funds pledged to secure a bond issue shall be invested in the manner permitted by the indenture securing such bonds;

(2) To collect fees and charges, as the fund determines to be reasonable, in connection with its loans, advances, insurance, commitments, and servicing;

(3) To cooperate with and exchange services, personnel, and information with any federal, state, or local governmental agency;

(4) To sell, at public or private sale, with or without public bidding, any mortgage or other obligation held by the fund;

(5) To do any act necessary or convenient to the exercise of the powers granted by sections 76-1801 to 76-1841 or reasonably implied from it; and

(6) Prior to financing a project, to make specific findings including but not limited to (a) with respect to a project as defined in subdivision (6)(a) of section 76-1804, the project's effect on the economic base, the tax base, tax revenue, and employment opportunities and (b) with respect to a project as defined in subdivision (6)(b) of section 76-1804, the project's effect on the provision, including the continued provision, of health care and related services.

Sec. 5. That section 76-1825, Revised Statutes Supplement, 1982, be amended to read as follows:

76-1825. The bonds shall be authorized by a resolution of the fund, shall bear such date or dates,

and shall mature at such time or times as such resolution may provide, except that no bond shall mature more than ~~thirty~~ fifty years from the date of its issue, as the resolution shall provide. The bonds shall bear interest at such rate or rates, including variations of such rates, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, including redemption prior to maturity, as such resolution may provide. The provisions of section 10-126 shall not apply to bonds issued by the fund. Bonds of the fund may be sold by the fund at a public or private sale and at such price or prices as the fund shall determine.

Sec. 6. Hospital or nursing home shall mean any private nonprofit hospital, nonprofit nursing home, corporation, association, or institution or any public hospital, public nursing home, or institution authorized by law to provide or operate health facilities in this state and also shall mean any cooperative hospital service organization which is described in section 501 (c) of the Internal Revenue Code of 1954, as amended, or any similar nonprofit corporation, whether or not such corporation is exempt from federal income taxation pursuant to section 501 (e) of the Internal Revenue Code of 1954, as amended.".

2. On page 3, strike beginning with the first underscored comma in line 9 through "values" in line 19.

3. On page 4, line 7, after "health" insert "care and related"; in line 16 strike "is", show as stricken, and insert "and the provision of health care at affordable prices are"; in line 17 strike "a matter", show as stricken, and insert "matters"; and in line 24 after "base" insert "and in order that adequate health care services be provided to all residents of this state".

4. On page 5, line 2, after "state" insert "and provision of adequate health care".

5. On page 6, line 1, after "financing" insert ", which shall include without limitation refinancing,"; and in line 14 after the period insert "The financing agreement shall contain provisions with respect to the acquisition, construction, reconstruction, rehabilitation, improvement, or refinancing of a project.".

6. On page 8, line 4, strike the colon and insert ","; strike lines 5 through 19 and insert "any

land, building, or other improvement and all real or personal property, including furniture and equipment, and any undivided or other interest in any such property, whether or not in existence, suitable or used for or in connection with any hospital, nursing home, and any facilities related and subordinate thereto.";
and in line 21 strike "and" and before "Revised" insert "76-1818, and 76-1825,".

7. Renumber the remaining sections accordingly.

(Signed) Dave Newell, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Newell, V. Johnson, Cullan, DeCamp, and Miss Kilgarin asked unanimous consent to print the following amendment to LB 59 in the Journal. No objections. So ordered.

AM0529

1. Strike the original sections and insert the following new sections:

"Section 1. That section 77-2715.01, Revised Statutes Supplement, 1982, be amended to read as follows:

77-2715.01. (1) (a) Commencing in 1983 the Legislature shall annually ~~On or before November 15 of each year, the State Board of Equalization and Assessment shall~~ set the rate of the income tax imposed by section 77-2715 for the taxable year beginning in the subsequent calendar year, and the rate of the sales tax imposed by subsection (1) of section 77-2703 which will be effective from January 1 through December 31 of the succeeding year. ~~, except that for the period May 1 through December 31, 1982, the rate of the sales tax shall be three and one half per cent.~~ For calendar year 1983 the rate of the income tax shall be nineteen per cent and the rate of the sales tax shall be three and one half per cent, except that if this bill becomes law before the general budget bill for fiscal year 1983-84 passes, the Legislature shall set the rates for the sales and income tax for the current calendar year using the procedures provided in this section if a change in the rates is needed.

(b) The Revenue Committee of the Legislature shall introduce a bill proposing the rate of the income tax imposed by section 77-2715 and the rate of the sales

tax imposed by subsection (1) of section 77-2703. The committee shall hold a public hearing on such bill. Such bill shall be held by the Legislature until the general budget bill has been passed by the Legislature.

~~Recognizing that an adequate cash flow is necessary to maintain the orderly implementation of various legislative acts, it is mandatory that the funding of those acts which have a fiscal impact beyond a current appropriations year be considered when setting the sales and income tax rates. Accordingly, the purpose of this subsection is to provide that the State Board of Equalization and Assessment shall set rates based on appropriations and the express obligations of the Legislature for the two succeeding calendar years following the rate-setting date. Such action will provide an adequate cash flow, the orderly implementation of the funding of acts as intended by the Legislature, and eliminate drastic fluctuations in the state sales and income tax rates.~~

~~(a) In fixing the rates, the State Board of Equalization and Assessment shall first determine the status of all appropriations and express obligations for the next two succeeding calendar years following the rate-setting date which must be financed from the receipts from the sales and use taxes, the individual and corporation income and franchise taxes and other miscellaneous receipts to the General Fund, from a certified statement of all appropriations and express obligations for the next two succeeding calendar years following the rate-setting date made by the most recent regular session of the Legislature, which statement the Director of Administrative Services shall prepare and furnish prior to the convening of such board.~~

~~(b) If the Legislature should meet in a special session during any year, the board shall add to the appropriations and express obligations as certified pursuant to subdivision (a) of this subsection, the appropriation for the legislative session, all miscellaneous claims, deficiency bills, and all emergency appropriations and express obligations.~~

~~(c) The board shall then determine the balance of the General Fund at the beginning of the period under consideration and the estimated receipts to the General Fund from all sources other than the sales, use, income, and franchise taxes for this period.~~

~~(d)~~ (c) The Legislature ~~board~~ shall ~~then~~ set the rates of the sales tax and income tax so that the estimated funds available ~~pursuant to subdivision (c) of~~

~~this subsection~~ plus estimated receipts from the sales, use, income, and franchise taxes will be not less than ~~two~~ three per cent nor more than seven per cent in excess of the appropriations and express obligations for the next two succeeding calendar years. ~~following the rate-setting date as determined pursuant to subdivisions (a) and (b) of this subsection.~~ The purpose of this subdivision is to insure that there shall be maintained in the state treasury an adequate General Fund balance, considering cash flow, to meet the appropriations and express obligations ~~as certified as provided in subdivision (a) of this subsection~~ of the state.

(d) ~~(c)~~ The rates of the sales and income taxes shall be fixed so that the total sales and use taxes levied will as nearly as possible equal the total individual income tax levied for the calendar year for which the rates so fixed will be effective. ~~except when a change in the sales and use tax rate or individual income tax rate would be required solely to meet the provisions of this subdivision.~~ The Legislature ~~board~~ shall set the rates in such a manner that total sales and use tax revenue should not exceed total individual income tax revenue in any particular year.

(e) ~~(f)~~ For purposes of this subsection, total sales and use taxes levied shall mean the total state sales and use tax liability of all taxpayers for the calendar year minus total food sales tax credits attributable to the same period. Total income and franchise taxes levied shall mean the total state income and franchise tax liability of all taxpayers for the calendar year, before deduction of food sales tax credits.

(f) ~~(g)~~ The sales tax rate so fixed by the Legislature ~~board~~ shall be an increment of one half ~~one-fourth~~ of one per cent, and the income tax rate so fixed shall be an increment of one ~~half of one~~ per cent.

(g) ~~(h)~~ For purposes of this section, express obligation shall mean an obligation which has fiscal impact identifiable by a sum certain or by an established percentage or other determinative factor or factors.

(2) ~~The board shall meet (a) within fifteen days after the adjournment of each regular session of the Legislature, (b) within thirty days after each special session of the Legislature, and (c) not later than the later of (i) sixty days after passage and approval or (ii) fifteen days prior to the effective~~

~~date of any changes in the provisions of the Internal Revenue Code of 1954 and amendments thereto, other provisions of the laws of the United States relating to federal income taxes, or the rules and regulations issued under such laws, if such federal changes would increase or decrease the total projected income and franchise taxes levied for any twelve-month period by an amount equal to or greater than the amount of revenue raised from such sources by a one half per cent tax rate increment and shall determine whether the rates for sales tax and income tax must be changed. At any meeting of the board held due to changes in federal law, the board shall adjust the income tax rate so that the total income and franchise taxes levied shall as nearly as possible equal the income and franchise taxes which would have been levied if there had been no change in the federal law.~~ The chairperson of the Legislature's Revenue Committee shall meet with the Tax Commissioner within ten days after the fifteenth of November of each year and shall determine whether the rates for sales tax and income tax should be changed. In making such determination ~~the board~~ they shall recalculate the requirements pursuant to the formula set forth in subsection (1) of this section, taking into consideration the appropriations and express obligations for any ~~such special~~ session, all miscellaneous claims, deficiency bills, and all emergency appropriations.

In the event it is determined by the Revenue Committee that ~~the board determines~~ the rates must be changed as a result of ~~a~~ such regular or special session or as a result of a change in the provisions of the Internal Revenue Code of 1954 and amendments thereto, other provisions of the laws of the United States relating to federal income taxes, and the rules and regulations issued under such laws, the committee shall petition the Governor to call a special session of the Legislature to make whatever rate changes may be necessary. ~~such sales tax rate shall be made effective at the beginning of any calendar month within the current calendar year and such income tax rate shall be effective for the current taxable year.~~

~~(3) Public notice of any meeting of the board at which sales and income tax rates are to be considered shall be given at least ten days prior to the meeting, by a news release for statewide distribution, by publication in a legal newspaper of general circulation in the state, and in such other forms as the Tax~~

~~Commissioner shall deem appropriate. The notice shall contain an agenda of matters to be taken up, and a statement that all written reports and fiscal data to be considered by the board at the meeting shall be available to the public at the Tax Commissioner's office during normal business hours at least two business days prior to the meeting.~~

Sec. 2. That section 81-125, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-125. The Governor shall on or before January 15 present to the Legislature a complete budget for all the activities of the state receiving appropriations or requesting appropriations, except that the Governor during his or her first year in office shall present such budget to the Legislature on or before February 1. Such budget shall be a tentative work program for the coming biennium, containing a full and itemized report of the expenditures from appropriations made by the previous Legislature and the items which the Governor deems worthy of consideration for the coming biennium, for the respective departments, offices, and institutions, and for all other purposes; the estimated revenue from taxation, the estimated revenue from sources other than taxation, an estimate of the amount required to be raised by taxation and the sales and income tax rates necessary to raise such amount, and recommendations as to deficiency funding requirements pursuant to section 50-423. The budget as transmitted to the Legislature shall show the estimated requirements for each activity of the state as prepared by the Department of Administrative Services and the final recommendation of the Governor. The budget shall comprise the complete report to the Legislature of all appropriations made by the previous Legislature and expenditures therefrom by all agencies receiving appropriations, and the report of expenditures contained in the budget shall be in lieu of all other biennial or other financial reports required by statute to the Legislature by expending agencies of appropriations and expenditures for their own activities, except the biennial report of the State Treasurer and Director of Administrative Services.

Sec. 3 That original section 81-125, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715.01, Revised Statutes Supplement, 1982, and also section 77-2715.03, Reissue Revised Statutes of

Nebraska, 1943, and section 77-2715.02, Revised Statutes Supplement, 1982, are repealed.".

2. Renumber the section added by the committee amendments as section 4.

SELECT FILE

LEGISLATIVE BILL 235. E & R amendments, AM5042, found in the Journal on page 872 for the Forty-Second Day were adopted.

Mrs. Higgins offered the following amendment:
AM0709

1. On page 8, line 18, strike "investigation" and insert "inspection".

2. On page 18, line 3, before the comma insert "and sections 1 to 30 of this act"; and in line 8 strike "sections" and show as stricken, strike "and" and show as stricken, and after the second comma insert "and sections 1 to 30 of this act,".

3. In the Standing Committee amendments found on page 801 of the Journal, on page 1, line 17, after "visiting" insert "and business".

The Higgins amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Hefner offered the following amendment:
AM0666

1. On page 4 strike beginning with "or" in line 26 through "program" in line 27.

2. On page 9, line 3, after "resident" insert "until necessary corrections are made, but in no case" and strike "not"; in line 4 strike "to exceed" and insert "exceeding"; and in line 21 after "corrections" insert "or satisfactory progress toward the corrections".

3. On page 15, line 7, after "public" insert "together with the nursing home's response to the allegations".

4. In the Corrected Standing Committee amendments on page 801 of the Journal, on page 1, line 18, strike "Volunteers" and insert "Representatives of community legal services programs, volunteers,".

Mr. Hefner moved for a Call of the House. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. Hefner requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Barrett	Beutler	Beyer	Carsten	Clark
Eret	Fenger	Goll	Goodrich	Hannibal
Hefner	Jacobson	Johnson, L.	Johnson, R.	Kahle
Lamb	Lundy	Morehead	Nichol	Peterson, H.
Peterson, R.	Pirsch	Sieck	Vickers	Von Minden

Voting in the negative, 18:

Chambers	Cullan	DeCamp	Fowler	Higgins
Johnson, V.	Labedz	Landis	Marsh	Newell
Pappas	Remmers	Rupp	Schmit	Wagner
Warner	Wesely	Wiitala		

Present and not voting, 3:

Abboud	Chronister	Haberman

Excused and not voting, 3:

Doyle	Hoagland	Kilgarin

The Hefner amendment was adopted with 25 ayes, 18 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. Beutler offered the following amendment:

1. On page 9, line 1, insert "serious" before "physical" and insert "one or more of" following "to"; on line 17, strike "presents no imminent danger" and insert "does not fall under subsection (1) of this section."

2. On page 10, line 16 strike "reasonable" and insert "reasonableness of the"; line 17, strike "and efforts to correct" and insert "in correcting."

3. On page 13, line 20 insert a period after "date"; strike beginning with "and" on line 20 through the period on line 23.

4. On page 16, line 19, insert "serious and" before" immediate"; strike beginning with "such" on line 20 through the period on line 23.

The amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

ATTORNEY GENERAL'S OPINION

Opinion No. 49
March 11, 1983

Dear Senator Haberman:

You have requested that we review LB 5 with respect to any portions of that bill which we might find constitutionally suspect. We believe the penalty provisions of LB 5, as they affect §28-1205 and §29-2221 of our statutes, raise constitutional questions.

1. Our initial concern is that §1 of LB 5 amends §28-1205 to provide an enhanced penalty for a third offense under §28-1205 of 30 to 50 years imprisonment. At the same time §2 of LB 5 amends §29-2221 to provide an enhanced punishment for a third or subsequent offense under §28-1205 of life imprisonment without parole. In our opinion establishing two distinct penalties for exactly the same offense (third offense use of a firearm in the commission of a felony) renders the more severe of the two penalites suspect under federal and state constitutional prohibitions of cruel and unusual punishment.

Section 29-2221 presently is available to enhance the punishment of persons convicted of 3 or more felony offenses. The concept which underlies "habitual criminal" statutes has been stated as follows:

> {A}n enhanced sentence under the provisions of the habitual criminal laws is not a new jeopardy or additional penalty for the same crime. It is simply a stiffened penalty for the latest crime which is considered to be an aggravated offense because it is a repetitive one. Gryger v. Burke, 334 U.S. 728, 68 S.Ct. 1256, 92 L.ED. 1683 (1948). See, also, Poppe v. State, 155 Neb. 527, 52 N.W.2d 422 (1952), as holding generally that statutes which provide for enhanced penalties because the repetitive offenses are not violative of the Constitution.

Addison v. Parratt, 208 Neb. 459, 462, 303 N.W.2d 785 (1981), (Emphasis added).

The Legislature has the power and responsibility of defining crimes and misdemeanors and fixing their punishment. State ex rel. Nelson v. Smith, 114 Neb. 653, 209 N.W. 328 (1926). However, concepts of constitutional prohibitions against cruel and unusual punishment include questions of whether a specific penalty provided by statute is proportional to the offense for which the criminal defendant is convicted.

> Although constitutional prohibition against cruel and unusual punishment is primarily aimed at the kind of punishment imposed rather than the length, when the duration of a sentence is greatly disproportionate to the offense committed it may constitute cruel and unusual punishment.

Hanson v. State, 48 Wis.2d 203, 179 N.W.2d 909, 911 (1970). In evaluating whether a particular punishment goes beyond

constitutionally acceptable parameters, one may properly compare the nature of the offense and the penalty proposed for its commission with other offenses and their respective penalties. People v. Lorentzen, 387 Mich. 167, 194 N.W.2d 827 (1972).

In this instance LB 5 proposes two distinct penalties for the same number of repetitions of the same offense. We fail to perceive, and LB 5 presently does not enlighten us, as to the reason which compels that a third offense under §28-1205 is deemed worthy of 30 to 50 years imprisonment while under §29-2221 it is punished by life without parole. In the absense of some rational basis for this distinction, we must conclude the penalty proposed by LB 5 under §29-2221 would constitute cruel and unusual punishment and thus violate both the federal and state constitutions.

Courts generally afford the Legislature considerable deference in the fixing of penalties for criminal offenses. We believe the potential problem with LB 5 discussed above could be remedied (1) by eliminating the amendment to §29-2221 in LB 5 and providing enhanced punishments for repeated offenses of §28-1205 as presently proposed, (2) by eliminating the third offense penalty under §28-1205 and relying upon the LB 5 amendment to §29-2221 to enhance penalties for third or subsequent offenses, or (3) by attaching the presently proposed penalty provisions of §29-2221 to fourth or subsequent offenses under §28-1205 instead of third offenses as LB 5 presently provides.

2. We also question whether the provisions of LB 5 which provide for an enhanced penalty of life imprisonment without parole for use of a firearm in the commission of a felony can pass the proportional punishment test of a cruel and unusual punishment analysis when compared to other existing criminal penalties. With the exception of the penalty of death available under Neb.Rev.Stat. §28-105 (Reissue 1979), for a Class I felony, no other criminal act has been determined by the Legislature to merit a punishment of life imprisonment without parole, e.g., murder in the first degree (possible life imprisonment), murder in the second degree (10 years to life), manslaughter (1 to 20 years), being found to be an habitual criminal (10 to 60 years). If the Legislature perceives some reason to punish a third or subsequent violation of §28-1205 under §29-2221, more severely than the offenses noted above, we believe some expression of legislative intent in that regard would be necessary to save the enactment from constitutional infirmity.

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

JKB:ekj
cc: Patrick J. O'Donnell
Clerk of the Legislature

ANNOUNCEMENTS

Mr. R. Johnson designates LB 252 as his priority bill.

Mr. Beutler designates LB 325 as his priority bill.

Mr. Pappas designates LB 336 as his priority bill.

Mr. Kahle designates LB 198 as his priority bill.

Mr. R. Peterson designates LB 620 as his priority bill.

Mr. Barrett designated LB 309 as his priority bill.

Business and Labor Committee designates LB 158 and 524 as their priority bills.

Mrs. Morehead designates LB 363 as her priority bill.

Mr. Fenger designates LB 150 as his priority bill.

Public Health and Welfare Committee designates LB 254 as their priority bill.

Mr. Hefner designates LB 393 as his priority bill.

Mr. Jacobson designates LB 270 as his priority bill.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 571A. By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 571, Eighty-eighth Legislature, First Session, 1983.

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 137 in the Journal. No objections. So ordered.

AM0604

1. On page 2, line 25, after "dollars" insert ". When the pleadings or discovery proceedings in a civil action indicate an amount in controversy may exceed ten thousand dollars, the county court shall

certify the proceedings to the district court as provided in section 3 of this act".

2. Insert the following new section:

"Sec. 3. The county or municipal court shall certify proceedings to the district court of the county in which an action is pending when the pleadings or discovery proceedings indicate there is an amount in controversy in excess of ten thousand dollars. The county or municipal court shall certify the proceedings to the district court and file the original papers of such action and a certified transcript of the docket entries with the clerk of the district court. The action shall then be tried and determined by the district court as if the proceedings were originally brought in such district court, except that no new pleadings need be filed unless ordered by the district court.

If it is determined, upon adjudication, that the allegations of either party to such action are asserted with the intention solely of avoiding the jurisdiction of the county or municipal court, the offending party shall not recover any costs in the county or municipal court or the district court.".

3. In the Standing Committee amendments AM0263, line 11, after the first period insert "When the pleadings or discovery proceedings in a civil action indicate an amount in controversy may exceed ten thousand dollars, the municipal court shall certify the proceedings to the district court as provided in section 3 of this act.".

4. Renumber remaining sections accordingly.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 327. Placed on General File as amended.
Standing Committee amendment to LB 327:
AM0708

1. Strike the original sections and insert the following new sections:

"Section 1. Proposed acquisition of transmission lines or related facilities, within the state, carrying one hundred fifteen thousand volts or less shall be presumed to satisfy the requirements of section 70-1014, and an application to the board for approval shall not be required if the current owner of the transmission lines or related facilities notifies the board of the lines or facilities involved in the

transaction and the parties to the transaction.

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.".

(Signed) Loran Schmit, Chairperson

Banking, Commerce & Insurance

LEGISLATIVE BILL 64. Placed on General File as amended.
Standing Committee amendments to LB 64:
AM0713

1. On page 3, line 16, strike "9" and insert "10".

2. Insert a new section as follows:

"Sec. 10. Class B energy audit shall mean an energy audit in which the estimated costs and savings associated with the installation of conservation measures are based on information primarily collected by persons in the low-income household about their residential building with the assistance of staff of the weatherization program.".

3. On page 4, line 9, after "with" insert "any", strike "public", and after "entities" insert "including, but not limited to, public agencies or offices, private nonprofit or public service organizations or corporations, and religious organizations,"; in line 11 after the period insert "The office shall not contract with a public or private utility company for the delivery of weatherization and assistance programs."; in line 14 strike "state"; in line 15 after "appropriated" insert "or donated"; in line 23 before "For" insert "(1)"; and after line 24 insert "and the private funds which may be donated".

4. On page 5, line 1, after the period insert:

"(2) Any money received by the office from agreements, grants, gifts, or otherwise from individuals, companies or other business entities, or political subdivisions of the state for the purposes set forth in this act shall be credited to the Nebraska Low Income Home Weatherization Fund or the Nebraska Low Income Energy Assistance Fund.

(3)".

5. On page 6, line 18, after "an" insert "office approved", and after "audit" insert "equivalent to a Class B energy audit".

6. Renumber original sections 10 through 17

14 as ll through 18, respectively.

LEGISLATIVE BILL 124. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - AM0291.)

(Signed) John W. DeCamp, Chairperson

SELECT FILE

LEGISLATIVE BILL 497. Mr. Fenger offered the following amendment:

Strike the Beutler amendment to LB 497 found on pg. 721 of the Journal.

Mr. Fenger moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Fenger requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Abboud	Barrett	Beyer	Chambers	Cullan
Doyle	Eret	Fenger	Goll	Goodrich
Hannibal	Hefner	Higgins	Johnson, R.	Johnson, V.
Labedz	Morehead	Pappas	Peterson, R.	Pirsch
Rupp	Schmit	Sieck	Wagner	Wiitala

Voting in the negative, 19:

Beutler	Carsten	Chronister	Clark	DeCamp
Haberman	Jacobson	Kahle	Lamb	Landis
Marsh	Newell	Nichol	Peterson, H.	Remmers
Vickers	Von Minden	Warner	Wesely	

Present and not voting, 2:

Johnson, L. Lundy

Absent and not voting, 1:

Fowler

Excused and not voting, 2:

Hoagland Kilgarin

The Fenger amendment was adopted with 25 ayes, 19 nays, 2 present

and not voting, 1 absent and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 19. Placed on Select File as amended.
E & R amendments to LB 19:
AM5044

1. On page 1, line 4, after the semicolon insert "to provide a penalty;".
2. On page 2, line 19, after "seller" insert an underscored comma.
3. In the Haberman amendment line 2, after "voter" insert an underscored semicolon.
4. On page 6, line 7, strike "the operative date of this section" and insert "the effective date of this act".

LEGISLATIVE BILL 19A. Placed on Select File.

LEGISLATIVE BILL 125. Placed on Select File as amended.
E & R amendments to LB 125:
AM5045

1. On page 1, line 4, strike "a"; in line 5, strike "provision" and insert "provisions" and after "improvement" insert "or utility"; and in line 6 strike "of the first and second class".
2. In the Standing Committee amendments, page 1, lines 4 and 14 and page 2, line 1, strike "act" and insert "section".

LEGISLATIVE BILL 126A. Placed on Select File as amended.
E & R amendment to LB 126A:
AM5046

1. The Warner amendment is to page 2 and amends lines 1 and 2 instead of lines 2 and 3.

LEGISLATIVE BILL 129. Placed on Select File.

(Signed) Rod Johnson, Chairperson

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE RESOLUTION 1. Placed on General File.
LEGISLATIVE RESOLUTION 10. Placed on General File.

LEGISLATIVE RESOLUTION 3. Placed on General File as amended.
Standing Committee amendment to LR 3:
AM0673

1. On page 2, line 10, after "continue"
insert ", except that if any county, municipality, or political subdivision requests the Legislature to create or change any program or service, then the Legislature shall not be required to appropriate the funds necessary to fund such created or changed program or service".

LEGISLATIVE RESOLUTION 6. Indefinitely postponed.
LEGISLATIVE RESOLUTION 22. Indefinitely postponed.

(Signed) Bernice Labedz, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 341A. By Vickers, 38th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 341, Eighty-eighth Legislature, First Session, 1983.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 469. Placed on General File.

LEGISLATIVE BILL 263. Placed on General File as amended.
Standing Committee amendment to LB 263:
AM0716

1. Insert a new section as follows:
"Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 266. Placed on General File as amended.
Standing Committee amendment to LB 266:
AM0714

1. Insert a new section as follows:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 271. Placed on General File as amended.
Standing Committee amendment to LB 271:
AM0715
1. Insert a new section as follows:
"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 527. Placed on General File as amended.
Standing Committee amendment to LB 527:
AM0717
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 577. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

MR. V. JOHNSON PRESIDING

UNANIMOUS CONSENT - Member Excused

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 199. Mr. Lamb renewed his pending amendment, AM0670, found in the Journal on page 897.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb asked unanimous consent to withdraw his pending amendment found in the Journal on page 897. No objections. So ordered.

Mrs. Labedz renewed the Chambers pending amendment found in the Journal on page 869.

The Chambers amendment was adopted with 27 ayes, 2 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Wesely offered the following amendment:
Amend the Labedz-Morehead amendment to LB 199 by striking in line 8 "one" and inserting "two"

The Wesely amendment lost with 3 ayes, 21 nays, 21 present and not voting, and 4 excused and not voting.

Mr. Lamb requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Beyer	Chronister	Cullan	DeCamp	Doyle
Fowler	Goodrich	Hannibal	Hefner	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Labedz
Landis	Morehead	Nichol	Peterson, H.	Rupp
Schmit	Sieck	Wagner	Warner	Wesely
Wiitala				

Voting in the negative, 3:

Lamb	Peterson, R.	Von Minden

Present and not voting, 16:

Abboud	Barrett	Carsten	Chambers	Clark
Eret	Fenger	Haberman	Higgins	Lundy
Marsh	Newell	Pappas	Pirsch	Remmers
Vickers				

Excused and not voting, 4:

Beutler	Goll	Hoagland	Kilgarin

Advanced to E & R for Engrossment with 26 ayes, 3 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Chronister asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 179. E & R amendments, AM5038, found in the Journal on page 699 for the Thirty-Fifth Day were adopted.

Mr. Pappas requested to pass over LB 179.

LEGISLATIVE BILL 573. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 133. E & R amendments, AM5039, found in the Journal on page 841 for the Forty-First Day were adopted.

Mr. Newell requested to pass over LB 133.

LEGISLATIVE BILL 438. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 579. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 90. E & R amendments, AM5040, found in the Journal on page 842 for the Forty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 90A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 277. E & R amendment, AM5041, found in the Journal on page 842 for the Forty-First Day was adopted.

Advanced to E & R for Engrossment.

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee hearing this afternoon (3-14-83) will be changed from Room 1003 to Room 1117.

UNANIMOUS CONSENT - Print in Journal

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 322 in the Journal. No objections. So ordered.

1. On page 22, line 1, after the word "utilities." insert the following "Manufactured housing units shall be taxed as real estate and"; and in line 2, strike the word "The" and insert "the".

2. On page 22, line 5, after "units" insert "which are personal property at the time of sale"; and in line 5, strike "only".

3. On page 22, line 6, after the word "sale" insert "or resale"; and in line 8, after the word "the" insert "first".

STANDING COMMITTEE REPORT
Constitutional Revision and Recreation

The Committee on Constitutional Revision and Recreation desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Neal Keller, Commissioner, Game and Parks Commission

Voting aye: Senators Labedz, Abboud, Carsten, Fowler, Jacobson, Rupp, and Sieck. Voting nay: None.

(Signed) Bernice Labedz, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 524 in the Journal. No objections. So ordered.

AM0705

1. On page 2, lines 15 through 27, reinstate the stricken matter.

2. On page 3, lines 1 through 27, reinstate the stricken matter.

3. On page 4, lines 1 through 7, reinstate the stricken matter; and in lines 9 through 27 strike the new matter and insert

"2,550.01 through 2,600.00.....106.00
2,600.01 through 2,650.00.....108.00
2,650.01 through 2,700.00.....110.00
2,700.01 through 2,750.00.....112.00
2,750.01 through 2,800.00.....114.00
2,800.01 through 2,850.00.....116.00
2,850.01 through 2,900.00.....118.00
2,900.01 through 2,950.00.....120.00
2,950.01 through 3,000.00.....122.00
3,000.01 through 3,050.00.....124.00
3,050.01 through 3,100.00.....126.00
3,100.01 through 3,150.00.....128.00
3,150.01 through 3,200.00.....130.00
3,200.01 and over.....132.00".

4. On page 5, lines 1 through 27, strike the new matter.

5. On page 6, lines 1 and 2, strike the new matter.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 306. Placed on General File as amended.
Standing Committee amendments to LB 306:
AM0047

1. On page 2, line 17, insert after the underscored period "This subsection shall apply to every motor vehicle which is equipped with seat safety belts or is required to be equipped with restraint systems pursuant to Federal Motor Vehicle Safety Standard 208 except taxicabs, mopeds, motorcycles, and any motor vehicle designated by the manufacturer as a 1963 year model or earlier which is not equipped with a seat

safety belt.".

2. On page 3, line 5, after the underscored period insert "The failure to provide a child restraint system for more than one child in the same vehicle at the same time, as required in subsection (1) of section 2 of this act, shall not be treated as a separate offense."; strike beginning with "The court" in line 6 through "system." in line 9 and insert "Any person who is charged with a violation of subsection (1) of section 2 of this act, who does not have in his or her possession a child restraint system meeting the requirements of Federal Motor Vehicle Safety Standard 213 as of the effective date of this act, and who subsequently purchases or rents for a one-year period such a system prior to his or her court appearance, shall, upon presentation of proof of purchase or proof of rental for a one-year period of such a system, be able to utilize such presentation as an absolute defense and cause for dismissal of such charge." and in line 15, after the underscored period insert "The failure to produce the required statement for more than one child in the same vehicle at the same time, as required in subsection (2) of section 2 of this act, shall not be treated as a separate offense.".

LEGISLATIVE BILL 389. Indefinitely postponed.

(Signed) George Fenger, Chairperson

Revenue

LEGISLATIVE BILL 345. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

UNANIMOUS CONSENT - Member Excused

Messrs. Pappas, R. Peterson, and Mrs. Higgins asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 365. Title read. Considered.

Standing Committee amendments, AM0311, found in the Journal on page 544 for the Twenty-Eighth Day were adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Messrs. Von Minden and Hefner renewed their pending amendment, AM0491, found in the Journal on page 681.

The Von Minden-Hefner 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 28 ayes, 1 nay, 13 present and not voting, and 7 excused and not voting.

MOTION - Proposed Rules Change

Mr. DeCamp moved to amend the rules by repealing Rule 5 Section 5.

Referred to the Rules Committee.

ANNOUNCEMENT

Mr. Hannibal designates LB 362 as his priority bill.

Mrs. Pirsch designates LB 78 as her priority bill.

The Education Committee designates LB 287 and LB 585 as its priority bills.

The Miscellaneous Subjects Committee designates LB 213 and LB 479 as its priority bills.

The Constitutional Revision and Recreation Committee designates LB 174 and LR 1CA as its priority bills.

Mr. Chambers designates LB 202 as his priority bill.

Mr. Schmit designates LB 505 as his priority bill.

Mr. Rupp designates LB 234 as his priority bill.

Mr. Wiitala designates LB 215 as his priority bill.

Mr. Sieck designates LB 117 as his priority bill.

The Revenue Committee designates LB 619 and LB 17 as its priority bills.

Mr. Carsten designates LB 539 as his priority bill.

The Appropriations Committee designates LB 617 and LB 618 as its priority bills.

The Nebraska Retirement Systems Committee designates LB 219 and LB 457 as its priority bills.

Mr. Goodrich designates LB 330 as his priority bill.

Mr. Lamb designates LB 170 as his priority bill.

Mr. L. Johnson designates LB 241 as his priority bill.

Mr. Haberman designates LB 506 as his priority bill.

The Public Works Committee designates LB 327 and LB 348 as its priority bills.

Mr. Abboud designates LB 308 as his priority bill.

Mr. DeCamp designates LB 344 as his priority bill.

The Banking, Commerce and Insurance Committee designates LB 454 and LB 122 as its priority bills.

Mr. Eret designates LB 73 as his priority bill.

Mr. Wesely designates LB 624 as his priority bill.

The Government, Military and Veterans Affairs Committee designates LB 565 and LB 370 as its priority bills.

The Judiciary Committee designates LB 121 and LB 32 as its priority bills.

Mr. Beyer designates LR 10 as his priority bill.

The Law Enforcement and Justice Advisory Committee designates LB 447 and LB 272 and its priority bills.

Mr. Lundy designates LB 237 as his priority bill.

Mr. V. Johnson designates LB 259 as his priority bill.

VISITORS

Visitors to the Chamber were 20 members of the Columbus Chamber of Commerce from Columbus; Mr. and Mrs. Kermit Goll from Blair; Senator Cullan's parents, Mr. and Mrs. Harry Cullan from Hemingford; Robert Icenogle from Springfield; Wanda Glashoff from Gretna; and 40 members of W.I.F.E. (Women Involved in Farm Economics) from across the State.

ADJOURNMENT

At 12:05 p.m., on a motion by Mr. Kahle, the Legislature adjourned until 9:00 a.m., Tuesday, March 15, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FOURTH DAY - MARCH 15, 1983

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

FORTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 15, 1983

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Rev. Don Smith, Olive Crest United Methodist Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Wesely who was excused; and Miss Kilgarin, Messrs. Abboud, Fowler, Haberman, Hoagland, Newell, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Third Day was approved.

ANNOUNCEMENTS

Mrs. Labedz designates LB 118 as her priority bill.

Mr. Newell designates LB 432 as his priority bill.

The Urban Affairs Committee designates LB 304 and LB 451 as its priority bills.

RESOLUTIONS

LEGISLATIVE RESOLUTION 43.

Introduced by Kahle, 37th District.

WHEREAS, the Lawrence Panthers Boys High School basketball team won the Class D championship of the State High School Basketball Tournament this year; and

WHEREAS, the winning of a championship demonstrates the willingness of a team and its coach to endure the hard work and struggles associated with significant accomplishments; and

WHEREAS, the Panthers repeatedly exhibited courage and tenacity in defeating teams that possessed a height advantage over the Panthers; and

WHEREAS, such outstanding achievements are deserving of special recognition.

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

1. That the members of the Legislature commend the athletic ability, competitive spirit, and sportsmanship exhibited by the Lawrence Panthers basketball team.

2. That the Legislature congratulates and extends best wishes to the 1983 Class D Boys High School Basketball Champions and their coach Curt Johnson.

3. That a copy of this resolution be sent to Curt Johnson and the Lawrence Panthers basketball team.

Laid over.

LEGISLATIVE RESOLUTION 44.

Introduced by Abboud, 12th District; Wiitala, 31st District.

WHEREAS, the Millard South High School basketball team has just completed a successful 20-4 season; and

WHEREAS, the final game of this great season was the capturing of the Class A 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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends their congratulations to the members of the Millard South High School basketball team and coach Larry Ribble.

2. That a copy of this resolution be sent to Coach Ribble and the members of the Millard South High School basketball team.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Goll asked unanimous consent to print the following amendment to LB 155 in the Journal. No objections. So ordered.

AM0728

(Amendments to Final Reading Copy)

1. On page 4, line 11, strike "thirty" and insert "forty"; and in line 14 strike "thirty-day" and insert "forty-day".

GENERAL FILE

LEGISLATIVE BILL 150. Title read. Considered.

Standing Committee amendment found in the Journal on page 422 for the Twenty-First Day was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Newell asked unanimous consent to withdraw his pending amendment found in the Journal on page 573. No objections. So ordered.

Mrs. Labedz renewed her pending amendment, AM0385, found in the Journal on page 610.

Mr. V. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 16 nays, and 15 not voting.

Mr. Beyer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

The Labedz amendment was adopted with 26 ayes, 10 nays, 10 present and not voting, and 3 excused and not voting.

Mr. Newell offered the following amendment:

1. On page 2, strike the new language.
2. On page 6, line 26, after the first "body" insert "of the municipality or county"; on line 27, after "of" insert "county or".
3. On page 8, line 23, strike the first "board" and insert "body of the municipality or county", and strike the second "board" and insert "body"; on line 25 after "the" insert "county or".

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

Advanced to E & R for Review with 28 ayes, 6 nays, 13 present and not voting, and 2 excused and not voting.

ANNOUNCEMENT

Mrs. Morehead, Messrs. Warner, and Fenger announced that the tour of the Beatrice State Developmental Center which was scheduled for the afternoon of Thursday, March 24, has been cancelled due to the fact that we will be in all day session.

The tour will be rescheduled later this year.

RESOLUTION

LEGISLATIVE RESOLUTION 45.

Introduced by Chronister, 18th District; Hefner, 19th District.

WHEREAS, the Howells High School boys basketball team has just completed a great 23-2 season; and

WHEREAS, the final game of the season was the capturing of the Class C basketball championship tournament; and

WHEREAS, the winning of such a championship demonstrates teamwork, competitive spirit, and commitment to a goal; and

WHEREAS, such outstanding achievements deserve special recognition.

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

1. That the members of the Legislature congratulates and commends coach Jim Morrison and the Howells Bobcats basketball team on a job well done.

2. That a copy of this resolution be sent to Coach Johnson and the Howells High School basketball team.

Laid over.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 224. Placed on General File as amended.
Standing Committee amendments to LB 224:
AM0688

1. On page 2, line 10, before "purchaser" insert "first".

2. On page 6, line 8, before "purchaser" insert "first".

3. Insert the following new sections:

"Section 1. That section 57-701, Reissue

Revised Statutes of Nebraska, 1943, be amended to read as follows:

57-701. As used in sections 57-701 to 57-715, unless the context otherwise requires:

(1) Oil shall mean any petroleum product or other oil taken from the earth;

(2) Severed shall mean the taking from the land by any means whatsoever of the natural resources enumerated in sections 57-701 to 57-715; and

(3) Person shall mean any person, firm, concern, receiver, trustee, executor, administrator, agent, institution, association, partnership, company, corporation, or any person acting under a declaration of trust or as an operator under a lease agreement or unitization agreement.

Sec. 7. That section 57-903, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

57-903. As used in sections 57-901 to 57-921, unless the context otherwise requires:

(1)(a) Waste, as applied to oil, shall include underground waste, inefficient, excessive, or improper use, or dissipation of reservoir energy, including gas energy and water drive, surface waste, open pit storage, and waste incident to the production of oil in excess of the producer's aboveground storage facilities and lease and contractual requirements, but excluding storage, other than open pit storage, reasonably necessary for building up or maintaining crude stocks and products thereof for consumption, use, and sale; (b) waste, as applied to gas shall include: (i) ~~the~~ The escape, blowing, or releasing, directly or indirectly, into the open air of gas from wells productive of gas only, or gas from wells producing oil or both oil and gas; and (ii) the production of gas in quantities or in such manner as will unreasonably reduce reservoir pressure or unreasonably diminish the quantity of oil or gas that might ultimately be produced; but excluding gas that is reasonably necessary in the drilling, completing, testing, and producing of wells and gas unavoidably produced with oil if it is not economically feasible for the producer to save or use such gas; and (c) waste shall also mean the abuse of the correlative rights of any owner in a pool due to nonuniform, disproportionate, unratable, or excessive withdrawals of oil or gas therefrom causing reasonably avoidable drainage between tracts of land or resulting in one or more owners in such pool producing more than his or her just and

equitable share of the oil or gas from such pool;

(2) Commission shall mean the Nebraska Oil and Gas Conservation Commission;

(3) Person shall mean and include any natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, or other representative of any kind, and include any department, agency, or instrumentality of the state or of any governmental subdivision thereof;

(4) Oil shall mean and include crude petroleum oil and other hydrocarbons regardless of gravity which are produced at the wellhead in liquid form and the liquid hydrocarbons known as distillate or condensate recovered or extracted from gas, other than gas produced in association with oil and commonly known as casinghead gas;

(5) Gas shall mean and include all natural gas and all other fluid hydrocarbons not ~~hereinabove~~ defined as oil;

(6) Pool shall mean an underground reservoir containing a common accumulation of oil or gas or both; each zone of the structure which is completely separated from any other zone in the same structure is a pool, as that term is used in sections 57-901 to 57-921;

(7) Field shall mean the general area underlaid by one or more pools;

(8) Owner shall mean the person who has the right to drill into and produce from a pool and to appropriate the oil or gas he or she produces therefrom either for himself or herself or for himself or herself and others;

(9) ~~Producers~~ Producer shall mean the owner of a well or wells capable of producing oil or gas or both or any person who owns and operates a lease, or a unit of producing leases in which other persons own interests, with respect to such a well or wells;

(10) Correlative rights shall mean the opportunity afforded to the owner of each property in a pool to produce, so far as it is reasonably practicable to do so without waste, his or her just and equitable share of the oil or gas, or both, in the pool; and

(11) The word and shall include the word or, and the word or shall include the word and.".

4. On page 7, line 24, after "sections" insert "57-701,"; and in line 25 strike "and" and after "57-710," insert "and 57-903,".

5. Renumber original sections accordingly.

(Signed) Calvin F. Carsten, Chairperson

Public Works

LEGISLATIVE BILL 234. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - AM0605.)

(Signed) Loran Schmit, Chairperson

GENERAL FILE

LEGISLATIVE BILL 252. Title read. Considered.

Standing Committee amendments, AM0192, found in the Journal on page 461 for the Twenty-Fourth Day were adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Schmit asked unanimous consent to withdraw his pending amendment, AM0486, found in the Journal on page 693. No objections. So ordered.

Messrs. R. Johnson and Schmit offered the following amendment: AM0642

1. Strike original section 1 and insert the following new sections:

"Section 1. That section 8-116, Revised Statutes Supplement, 1982, be amended to read as follows:

8-116. (1) 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 cities, 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~~

(2) Notwithstanding subsection (1) of this section, (a) 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, other than an applicant which has agreed to acquire substantially all of the assets and liabilities of a cooperative credit association which amounts shall not be less than the ~~foregoing~~ amounts provided in subsection (1) of this section, and (b) the amount of paid-up capital stock, surplus, and paid-in undivided profits required of an applicant which has agreed to acquire substantially all of the assests and liablilities of a cooperative credit association shall be five hundred thousand dollars.

(3) For purposes of this section, population shall be determined by the most recent federal decennial census.

Sec. 5. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

2. On page 4, line 7, after "department" insert "in accordance with section 8-116"; in line 18, after "association" insert "having more than one hundred members"; strike beginning with "a" in line 18 through "and" in line 19; and after the period in line 22 insert "The department may require an applicant which has agreed to acquire substantially all of the assets and liabilities of a cooperative credit association to provide to each member of the association the following preferential rights: (1) to subscribe to capital stock of the applicant in proportion to such member's equity interest in the association, and (2) to subscribe to capital stock of the applicant which was not subscribed to under subdivision (1) of this section as may be agreed upon by the applicant and the association.".

3. On page 6, line 6, strike the first "(3)" and insert "(4)"; in line 7 strike "a bank" and insert "an applicant"; in line 9 after "which" insert "(a) has been unable to comply with subsection (1) of this section because the Federal Deposit Insurance Corporation has determined that the paid-up capital stock, surplus, or paid-in undivided profits of the applicant, as approved by the department in accordance with section 8-116, are inadequate, and (b)"; in line 11 strike the new matter and reinstate the old matter; and

rearrange subsections (3) and (4) accordingly.

4. On page 8, line 18, strike "8-115.01" and insert "8-116".

5. Renumber original section 5 as section 6.

6. In the Standing Committee Amendments on page 461 of the Journal, on page 1, line 19, after "policy" insert "is established" and strike "public hearing" and insert "finding that public necessity, convenience, and advantage will be promoted"; in line 21 strike "is"; and in line 22 strike "established" and insert "having more than one hundred members".

7. On page 2, line 9, after "association" insert "having more than one hundred members".

The R. Johnson-Schmit amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 78. Title read. Considered.

Standing Committee amendments, AM0184, found in the Journal on page 474 for the Twenty-Fifth Day were adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Pirsch renewed her pending amendment (1), AM0373, found in the Journal on page 650.

Mrs. Pirsch moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mrs. Pirsch requested a roll call vote on her amendment.

Voting in the affirmative, 25:

Barrett	Beyer	Carsten	Chronister	Clark
Fenger	Goll	Goodrich	Haberman	Hefner
Jacobson	Johnson, L.	Kahle	Kilgarin	Labedz
Lamb	Lundy	Marsh	Peterson, H.	Peterson, R.
Pirsch	Remmers	Sieck	Von Minden	Warner

Voting in the negative, 15:

Abboud	Beutler	Chambers	Cullan	DeCamp

Fowler	Johnson, V.	Landis	Morehead	Newell
Nichol	Pappas	Rupp	Vickers	Wagner

Present and not voting, 4:

Doyle	Eret	Hannibal	Johnson, R.

Absent and not voting, 2:

Schmit	Wiitala

Excused and not voting, 3:

Higgins	Hoagland	Wesely

The Pirsch amendment (1) was adopted with 25 ayes, 15 nays, 4 present and not voting, 2 absent and not voting, and 3 excused and not voting.

Mrs. Pirsch asked unanimous consent to withdraw her pending amendment (2), AM0410, found in the Journal on page 650. No objections. So ordered.

Advanced to E & R for Review with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 229. Placed on General File as amended.
Standing Committee amendments to LB 229:
AM0719

1. On page 2, line 7, strike "in county", show as stricken, and insert "before any" and after "court" insert "having jurisdiction"; and in line 13, after the period insert "Attorney's fees collected pursuant to this section shall be placed in the treasury of the city, village, or county and credited to the budget of the city, village, or county attorney's office. All attorney's fees collected on behalf of a township shall be paid over to the county treasury and credited to the budget of the county attorney's office.".

2. On page 4, line 5, before the first "to" insert ", or any city or village ordinance enacted pursuant thereto,".

LEGISLATIVE BILL 259. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal

and on file in the Clerk's Office - AM0677.)

The Miscellaneous Subjects Committee reports favorably on the following gubernatorial appointments. The Committee recommends that the Legislature approve the appointments with a record vote.

Pat Morocco - Nebraska Accountability and Disclosure Commission
Ted Kooser - Nebraska Arts Council
LaVon Crosby - Nebraska Arts Council

Voting yes to recommend approval: Senators Barrett, Fenger, Hannibal, Hefner, Lundy, Newell, Von Minden. Voting no: None. Absent: Senator V. Johnson.

(Signed) Elroy Hefner, Chairperson

Constitutional Revision and Recreation

LEGISLATIVE RESOLUTION 5. Indefinitely postponed.

(Signed) Bernice Labedz, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 282. Placed on Select File as amended.
E & R amendment to LB 282:
AM5047
1. On page 1, line 5, after the second semicolon insert "to repeal the original section;".

LEGISLATIVE BILL 282A. Placed on Select File.
LEGISLATIVE BILL 378. Placed on Select File.

LEGISLATIVE BILL 374. Placed on Select File as amended.
E & R amendment to LB 374:
AM5048
1. On page 1, line 4, strike "to define a term;".

LEGISLATIVE BILL 240. Placed on Select File as amended.
E & R amendments to LB 240:
AM5049
1. On page 1, line 1, strike "banks" and insert "financial institutions"; and in line 3 after "banks" insert "and industrial loan and investment companies".
2. In the Standing Committee amendments, line

3, strike "13" and insert "14".

LEGISLATIVE BILL 223. Placed on Select File as amended.
E & R amendments to LB 223:
AM5050

1. On page 7, line 19, after "judge" insert an underscored comma.

2. On page 12, line 6, after "any" insert "such".

LEGISLATIVE BILL 281. Placed on Select File as amended.
E & R amendments to LB 281:
AM5051

1. On page 1, line 3, strike "18-2518" and insert "19-4205".

2. In the Standing Committee amendments, page 1, line 12, after "petition" insert an underscored comma; and on page 2, line 16, strike "18" and insert "19".

LEGISLATIVE BILL 299. Placed on Select File as amended.
E & R amendment to LB 299:
AM5052

1. On page 1, line 2, strike "investments" and insert "transactions".

LEGISLATIVE BILL 154. Placed on Select File as amended.
E & R amendment to LB 154:
AM5053

1. On page 5, line 26, strike "one hundred" and insert "fifty"; and in line 27 strike "one thousand five hundred" and insert "seven hundred fifty".

LEGISLATIVE BILL 209. Placed on Select File as amended.
E & R amendment to LB 209:
AM5054

1. On page 1, line 1, strike "79-4,175," and strike "and"; in line 2 before "Reissue" insert "and 79-4,203,"; strike beginning with the second "to" in line 3 through the semicolon in line 5; and in line 8 after the semicolon insert "to change a provision relating to judicial review as prescribed;".

LEGISLATIVE BILL 137. Placed on Select File as amended.
E & R amendment to LB 137:
AM5055

1. On page 1, line 2, strike "42-348" and insert "26-117"; and in line 4 strike "jurisdiction of

certain" and insert "jurisdictional amount in civil" and after "actions" insert "as prescribed".

LEGISLATIVE BILL 391. Placed on Select File.

LEGISLATIVE BILL 230. Placed on Select File as amended.
E & R amendments to LB 230:
AM5056

1. On page 1, line 1, strike "section" and insert "sections 49-1413," and before "Revised" insert "and 49-1454,"; in line 3 after the semicolon insert "to redefine a term;"; in line 5 after the semicolon insert "to provide for committee campaign statements as prescribed; to harmonize provisions;"; and in line 6 strike the first "section" and insert "sections".

2. On page 2, lines 4 and 10, insert an underscored comma after "receiving".

3. In the Standing Committee amendments, page 3, line 3, insert "(2)" before "Any".

(Signed) Rod Johnson, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 35A. By Wagner, 41st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 35, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 269A. By Cullan, 49th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 269, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 121A. By Marsh, 29th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 121, Eighty-eighth Legislature, First Session, 1983.

UNANIMOUS CONSENT - Members Excused

Messrs. Wiitala and Fowler asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 241. Title read. Considered.

Standing Committee amendments, AM0261, found in the Journal on page 485 for the Twenty-Fifth Day were adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Messrs. DeCamp and Goodrich renewed their pending amendment, AM0443, found in the Journal on page 666.

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 344. Title read. Considered.

Standing Committee amendments, AM0316, found in the Journal on page 543 for the Twenty-Eighth Day were considered.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Newell offered the following amendment to the Standing Committee amendments:

On Pg 2 Line 4, after the word "than" strike "~~One hundred million~~" and insert "twenty million".

Mr. Haberman 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 to the Standing Committee amendments lost with 6 ayes, 22 nays, 17 present and not voting, and 4 excused and not voting.

Standing Committee amendments were adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Mrs. Higgins, Messrs. Schmit, and Clark asked unanimous consent to be excused. No objections. So ordered.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mrs. Labedz and Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. DeCamp requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 21:

Beyer	Carsten	Chronister	Cullan	DeCamp
Doyle	Fowler	Goodrich	Haberman	Hefner
Jacobson	Johnson, R.	Johnson, V.	Landis	Lundy
Morehead	Nichol	Pappas	Rupp	Wagner
Wiitala				

Voting in the negative, 19:

Abboud	Barrett	Beutler	Fenger	Goll
Hannibal	Johnson, L.	Kahle	Lamb	Marsh
Newell	Peterson, H.	Peterson, R.	Pirsch	Remmers
Sieck	Vickers	Von Minden	Warner	

Present and not voting, 2:

Eret	Kilgarin

Excused and not voting, 7:

Chambers	Clark	Higgins	Hoagland	Labedz
Schmit	Wesely			

Failed to advance to E & R for Review with 21 ayes, 19 nays, 2 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Expedite LB 241

Mr. DeCamp asked unanimous consent to expedite LB 241. No objections. So ordered.

ANNOUNCEMENT

Mr. Vickers announced that the Education Committee will meet in Executive Session on Wednesday, March 16, 1983 at 8:00 a.m. in Room 1517.

STANDING COMMITTEE REPORTS

Appropriations

LEGISLATIVE BILL 468. Placed on General File as amended.
Standing Committee amendments to LB 468:
AM0731

1. On page 3, after line 1 insert:
"Management, custodial, and service costs which are a direct expense of state trust funds may be paid from the income of such trust funds when this is not prohibited by statute or the constitution. For purposes of this section management, custodial, and service costs shall include, but are not limited to, fees paid to primary carriers, investment counsel fees for managing assets, real estate mortgage loan service fees, real estate management fees, and custody fees for trust fund securities. All such fees shall be approved by the Nebraska Investment Council and the state investment officer.".
2. Insert the following new sections:
"Sec. 2. This act shall become operative on July 1, 1983.
Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Jerome Warner, Chairperson

Revenue

LEGISLATIVE BILL 560. Placed on General File as amended.
Standing Committee amendments to LB 560:
AM0703

1. On page 2, line 21, strike "feedlot,".
2. On page 3, line 12, strike "(1)" and insert "(a)"; and in line 13 strike "(2)" and insert "(b)".
3. On page 4, strike line 12; in line 13 strike "(d)" and insert "(c)"; in line 17 strike "(e)" and insert "(d)"; in line 18 strike "(f)" and insert "(e)"; in line 20 strike "(g)" and insert "(f)"; in line 22 strike "(h)" and insert "(g)"; in line 24 strike

"annually"; in line 26 strike the period and insert "; and"; and after line 26 insert "(3) Which makes a new investment of at least one hundred thousand dollars.".

4. On page 5, strike beginning with "an" in line 4 through "corporation" in line 10 and insert "three hundred dollars for each one hundred thousand dollars of new investment by the corporation which is accompanied by the employment of one additional employee over two such existing employees, up to a maximum of five million dollars new investment"; in line 12 after "and" insert "the expansion of"; in line 13 after "facilities" insert "if construction begins after the effective date of this act"; and strike beginning with "A" in line 13 through the period in line 21.

5. On page 7, line 16, after "certified" insert "under any certificate and all renewals or extensions of such certificate" and strike "ten" and insert "five and no renewal or extension of any certificate shall be granted relating to any taxable year beyond the fourth year after the year to which the original certificate relates"; and in line 26 strike "tenth" and insert "fifth".

(Signed) Calvin F. Carsten, Chairperson

ANNOUNCEMENT

Speaker Nichol announced the following bills are his priority bills: 146, 200, 210, 228, 244, 251, 253, 297, 356, 371, 395, 396, 411, 426, 429, 433, 465, 517, 553, 560, 561, 568, 586, and 604.

MOTION - Place LR 5 on General File

Miss Kilgarin moved to place LR 5 on General File notwithstanding the action of the committee, pursuant to Rule 3, Section 16.

Laid over.

RESOLUTION

LEGISLATIVE RESOLUTION 46.

Introduced by Wiitala, 31st District; Labedz, 5th District.

WHEREAS, the Elkhorn Mount Michael Knights boys' basketball team captured the Class B basketball championship crown; and

WHEREAS, a successful 22-1 season demonstrates outstanding

spirit, commitment, teamwork, and tenacity; and

WHEREAS, the winning of such a championship is a tribute to Coach Jim Kane, his staff, and the Elkhorn Mount Michael basketball team and illustrates a willingness to endure the hard work and struggle associated with great accomplishments; and

WHEREAS, such outstanding achievements deserve special recognition.

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

1. That the Legislature congratulates and commends the Elkhorn Mount Michael Knights and Coach Jim Kane.

2. That the Legislature commends the competitive spirit and sportsmanship of the Elkhorn Mount Michael boys basketball team.

3. That a copy of this resolution be sent to Coach Kane and the Elkhorn Mount Michael boys' basketball team.

Laid over.

VISITORS

Visitors to the Chamber were nieces and nephews of Senator Morehead; Women's Club from Syracuse; 32 students and teachers from Burwell High School; Nebraska Medical Association Auxiliary #17 from Imperial; Mrs. Ruth Jacobsen from Tekamah; 23 students and teacher from Scribner High School; Connie Claussen from Omaha; and 21 members of the Legislative Assembly of the Nebraska State Student Association.

ADJOURNMENT

At 12:11 p.m., on a motion by Mr. Sieck, the Legislature adjourned until 9:00 a.m., Wednesday, March 16, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIFTH DAY - MARCH 16, 1983

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

FORTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 16, 1983

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Rev. Gordon Scott, Crestwood Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beyer and V. Johnson who were excused; and Messrs. Cullan, Eret, Fowler, Haberman, Hoagland, Landis, Newell, Rupp, Schmit, Vickers, Wagner, Miss Kilgarin, and Mrs. Morehead who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Fourth Day was approved.

MESSAGE FROM THE GOVERNOR

March 12, 1983

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Natural Resources Commission, requiring legislative confirmation:

Appointee: Mike Shaughnessey (Surface Water Irrigators), 710 Seventh Street, St. Paul, NE 68873, (308) 754-4491, Succeeds: Don Thompson
Appointee: Bob Bell (Municipal Water Users), 1723 Harney Street, Omaha, NE 68102, Is reappointed
Appointee: Dick Hahn (Ground Water Irrigators) P.O. Box 159, Grand Island, NE 68802, (308) 382-4111, Is reappointed

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Mike Shaughnessey
Bob Bell
Dick Hahn
Accountability and Disclosure Commission
Natural Resources Commission
Department of Administrative Services

REPORT

Received from Department of Roads a statement of deposits to the Cash Fund and Roads Operation Cash Fund for February 1983 pursuant to Sec. 66-476 R.S. Supp. 1980.

REPORT OF EMPLOYEES

TO: Patrick O'Donnell, Clerk of the Legislature
FROM: Laura Ashelford, Legislative Accountant
RE: Session Employee Expense

During the month of February, 1983, 152 full and part-time Senators session employees and temporary session employees were paid a total of $117,860.70. Of this amount, $370.14 was overtime.

Detailed information is on file in the Accounting and Budgeting Office.

RESOLUTIONS

LEGISLATIVE RESOLUTION 43. Read. Considered.

LR 43 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 44. Read. Considered.

LR 44 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 45. Read. Considered.

LR 45 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 46. Read. Considered.

LR 46 was adopted with 25 ayes, 1 nay, and 23 not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 215. Title read. Considered.

Standing Committee amendments, AM0256, found in the Journal on page 472 for the Twenty-Fifth Day were adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mr. DeCamp renewed his pending amendment, AM0439, found in the Journal on page 694.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 694. No objections. So ordered.

Mrs. Marsh asked unanimous consent to be excused until she returns. No objections. So ordered.

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. Wiitala moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Wiitala requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Abboud	Chronister	Cullan	Doyle	Fowler
Goodrich	Haberman	Higgins	Jacobson	Johnson, R.
Kilgarin	Labedz	Lamb	Morehead	Newell

Nichol	Pappas	Rupp	Schmit	Sieck
Vickers	Wesely	Wiitala		

Voting in the negative, 17:

Barrett	Beutler	Carsten	Clark	Fenger
Hannibal	Hefner	Johnson, L.	Kahle	Landis
Peterson, H.	Peterson, R.	Pirsch	Remmers	Von Minden
Wagner	Warner			

Present and not voting, 5:

Chambers	DeCamp	Eret	Hoagland	Lundy

Excused and not voting, 4:

Beyer	Goll	Johnson, V.	Marsh

Failed to advance to E & R for Review with 23 ayes, 17 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 241. Placed on Select File as amended.
E & R amendment to LB 241:
AM5061

1. In the Standing Committee amendments, line 3, strike "its" and insert "the department's".

LEGISLATIVE BILL 302. Placed on Select File as amended.
E & R amendments to LB 302:
AM5057

1. On page 1, line 2, insert "66-619," before "and"; in line 9 after the second semicolon insert "to provide duties;"; and strike beginning with "to" in line 10 through the semicolon in line 11.

2. On page 2, line 24, reinstate the stricken "and".

3. On page 15, line 11, before "and" insert "66-619,".

4. In the Standing Committee amendments, page 3, line 21, remove the underscoring; and in line 23, after "17" insert "of this act".

5. On page 12, lines 6 to 10, insert a dash after the new material added to each line by the

14 Standing Committee amendment.

LEGISLATIVE BILL 594. Placed on Select File as amended.
E & R amendment to LB 594:
AM5059
1. On page 3, line 25, strike the first
underscored comma.

LEGISLATIVE BILL 119. Placed on Select File.

LEGISLATIVE BILL 204. Placed on Select File as amended.
E & R amendment to LB 204:
AM5058
1. On page 4, line 10, after "pedestrian"
insert "not resulting in bodily injury to a pedestrian".

LEGISLATIVE BILL 365. Placed on Select File as amended.
E & R amendment to LB 365:
AM5060
1. On page 1, line 5, strike "and" and after
"section" insert "; and to declare an emergency".

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Schmit, Wesely, DeCamp, and Mrs. Labedz asked unanimous consent to print the following amendment to LB 319 in the Journal. No objections. So ordered.

AM0726
1. On page 16, strike lines 1 through 10 and
insert "and (r) service performed by an individual for a
business engaged in compilation of marketing data bases
if such service consists only of the processing of data
and is performed in the residence of the individual.
The performance of such service prior to, on, or after
the effective date of this act shall preclude a
determination of liability as defined by the Employment
Security Law after January 1, 1983;".

BILLS ON FIRST READING

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

LEGISLATIVE BILL 573A. By Haberman, 44th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the

provisions of Legislative Bill 573, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 579A. By Haberman, 44th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 579, Eighty-eighth Legislature, First Session, 1983; to lapse an appropriation; to transfer funds; to reduce certain limitations on salaries and per diems; and to declare an emergency.

ANNOUNCEMENT

Speaker Nichol announced that LB 576 was mistakenly chosen as a Priority Bill and has been withdrawn from the Priority Bill Designations.

UNANIMOUS CONSENT - Print in Journal

Mr. Wagner asked unanimous consent to print the following amendment to LB 188 in the Journal. No objections. So ordered.

AM0663

1. Strike the original sections and insert the following new sections:

"Section 1. That section 2-201, Uniform Commercial Code, be amended to read as follows:

2-201. Formal Requirements; Statute of Frauds.

(1) Except as otherwise provided in this section a contract for the sale of goods for the price of five hundred dollars or more is not enforceable by way of action or defense unless there is some writing sufficient to indicate that a contract for sale has been made between the parties and signed by the party against whom enforcement is sought or by his or her authorized agent or broker. A writing is not insufficient because it omits or incorrectly states a term agreed upon but the contract is not enforceable under this paragraph beyond the quantity of goods shown in such writing.

(2)(a) Between merchants if within a reasonable time a writing in confirmation of the contract and sufficient against the sender is received and the party receiving it has reason to know its contents, it satisfies the requirements of subsection (1) against such party unless written notice of objection to its contents is given within ten days after it is received.

(b) Between a merchant and a buyer or seller

of grain not a merchant, if (i) the contract is an oral contract for the sale of grain, (ii) within a reasonable time a writing in confirmation of the contract and sufficient against the sender is received, (iii) the party receiving it has reason to know its contents, (iv) it contains a statement of the kind of grain, quantity of grain, per unit price, date of contract, and delivery date of the grain, and (v) notice appears on the face of the written confirmation stating that the contract will be enforceable according to the terms contained in the confirmation unless written notice of objection is given within ten days, the writing satisfies the requirements of subsection (1) of this section against the party receiving it unless written notice of objection to its contents is given within ten days after it is received.

(3) A contract which does not satisfy the requirements of subsection (1) but which is valid in other respects is enforceable

(a) if the goods are to be specially manufactured for the buyer and are not suitable for sale to others in the ordinary course of the seller's business and the seller, before notice of repudiation is received and under circumstances which reasonably indicate that the goods are for the buyer, has made either a substantial beginning of their manufacture or commitments for their procurement; or

(b) if the party against whom enforcement is sought admits in his or her pleading, testimony or otherwise in court that a contract for sale was made, but the contract is not enforceable under this provision beyond the quantity of goods admitted; or

(c) with respect to goods for which payment has been made and accepted or which have been received and accepted (section 2-606).

Sec. 2. That original section 2-201, Uniform Commercial Code, is repealed.".

2. On page 1, line 1, strike "2-104" and insert "2-201"; and in line 3 strike "merchants" and insert "the statute of frauds".

NOTICE OF COMMITTEE HEARING
Public Works

Governor Appointments, Friday, March 18, 1983 (Cancel) 1:00 p.m.
Robert Martin - Motor Vehicle Industry Licensing Board
David Coolidge - Board of Public Roads Classifications and Standards

(Signed) Loran Schmit, Chairperson

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 118. Placed on General File as amended.
Standing Committee amendments to LB 118:
AM0706

1. Insert the following new section:
"Section 1. Any person who operates a motor vehicle, semitrailer, or cabin trailer on any highway of this state, which vehicle has not been registered as required by section 60-302 for thirty or more days shall be subject to a penalty of one hundred fifty dollars.".
2. On page 2, line 4, strike "in 1969" and show as stricken; in line 5 after "two" insert "fully reflectorized" and after "plates" insert an underscored comma; in line 6 strike "number" and show as stricken; strike beginning with "Each" in line 15 through the period in line 23 and show as stricken; in lines 24 and 25 strike the new matter; and strike beginning with "material" in line 26 through "systems" in line 27, show as stricken, and insert "materials pursuant to sections 81-145 to 81-163.01.".
3. On page 3, strike line 1 and show as stricken; in line 3 strike "six", show as stricken, and insert "three"; and after line 10 insert:
"(3) Each time new plates are issued, a fee of two dollars per vehicle shall be charged in addition to all other required fees. Such additional fees shall be deposited in the General Fund.".

LEGISLATIVE BILL 297. Placed on General File as amended.
Standing Committee amendments to LB 297:
AM0070

1. On page 5, line 26, strike "twenty" and insert "fifty".
2. On page 7, strike beginning with "(2)" in line 13 through the underscored semicolon in line 16; in line 17 strike "(3)" and insert "(2)"; in line 20 strike "(4)" and insert "(3)" and strike "(a)"; strike beginning with "and" in line 23 through "highway" in line 26; and in line 27 strike "(5)" and insert "(4)".
3. On page 8, line 2, strike "(6)" and insert "(5)"; and in line 5 strike "(7)" and insert "(6)".

(Signed) Loran Schmit, Chairperson

Public Health and Welfare

LEGISLATIVE BILL 225. Placed on General File.
LEGISLATIVE BILL 415. Placed on General File.

LEGISLATIVE BILL 481. Placed on General File as amended.
Standing Committee amendments to LB 481:
AM0738

1. Strike original sections 2 through 5.
2. On page 5, line 21, strike "7" and insert "3" and strike "26 to 46" and insert "22 to 42".
3. On page 37, line 16; page 39, lines 9 and 10; page 43, lines 1 and 22; page 46, line 2; page 49, line 17; page 50, lines 12 and 23; and page 51, lines 5 and 14, strike "26 to 41" and insert "22 to 37".
4. On page 38, strike beginning with "any" in line 7 through "physician" in line 15, show as stricken, and insert "the treatment of disease, injury, or deformity of persons by drugs or surgery".
5. On page 39, line 14, strike "Social psychologists,"; and strike the new matter in lines 19 through 22.
6. On page 51, line 22, strike "42 to 46" and insert "38 to 42".
7. On page 53, line 21, strike "43" and insert "39".
8. On page 54, line 19, strike "43 or 44" and insert "39 or 40".
9. Renumber remaining sections accordingly.

(Signed) George Fenger, Chairperson

MR. CLARK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 270. Title read. Considered.

Standing Committee amendments, AM0088, found in the Journal on page 579 for the Twenty-Ninth Day were considered.

Mr. Beutler requested a division of the question on the Standing Committee amendments.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:

1. On page 2, after line 15 insert:

"The filing of the notice of appeal shall confer jurisdiction on the district court."; in line 18 after the period insert "If no petition is filed, the court shall direct the condemnee to file a petition and impose such sanctions as are reasonable."; and in line 25 after the period insert:

"This section shall apply to all cases arising after May 4, 1973, which have not reached final adjudication on the effective date of this act and to all cases arising after the effective date of this act.".

Mr. Sieck offered the following amendment to the first Standing Committee amendment:

1. Strike all language beginning with semicolon in line 6 through the period in line 12.

The Sieck amendment was adopted with 17 ayes, 3 nays, 25 present and not voting, and 4 excused and not voting.

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

The second Standing Committee amendment is as follows:

2. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Sieck offered the following amendment to the second Standing Committee amendment:

2. Strike lines 13 through 16.

The Sieck amendment was adopted with 14 ayes, 1 nay, 29 present and not voting, and 5 excused and not voting.

The Standing Committee amendments, as amended, 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 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 510. Placed on General File.

LEGISLATIVE BILL 351. Indefinitely postponed.
LEGISLATIVE BILL 399. Indefinitely postponed.
LEGISLATIVE BILL 425. Indefinitely postponed.
LEGISLATIVE BILL 547. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 50
March 15, 1983

Dear Senator Wagner:

This is in response to your letter of March 7, 1983, in which you referred to our Opinion Number 35 relating to the constitutionality of LB 44 dealing with obsolete statutes. Your specific question was whether a bill to repeal "obsolete" sections all occurring in the same Chapter of the Revised Statutes would be considered to contain but "one subject" and thus constitutional.

In considering your question it is necessary to review a specific chapter and determine whether "one subject" is confined to one Chapter. If, for instance we look at Chapter 81, we find that it covers a great range of subjects, some of them are the Department of Agriculture, the Department of Labor, the State Fire Marshal, independent boards and commissions, state-owned motor vehicles, the Department of Economic Development, and numerous others. In our opinion these subjects are of such variance that they would clearly affect different interest groups within the state. As a result the repeal of purportedly obsolete statutes in one such chapter would be going beyond the constitutional requirement of one subject.

As we have stated before it is necessary to look at the bill and determine if the amendatory sections (or repealing sections) are part of the subject matter of the bill. In Van Horn v. State, 46 Neb. 62, 74 (1895), it was held that legislation is "single" in subject matter "so long as the act has but a single main purpose and object." In determining what that main object is we must look to the bill itself to ascertain whether or not it contains more than one subject. Id. at 72; and Midwest Popcorn Co. v. Johnson, 152 Neb. 867, 871 and 872 (1950). In Opinion Number 35 we stated that the possibility of obsolescense does not create subject matter commonality among otherwise unrelated statutes. Further a review of the contents of a given Chapter such as Chapter 81, leads us to believe that the repeal of "obsolete" sections on a Chapter basis would not meet the "one subject" test as required under Article III, Section 14 of the Constitution of Nebraska.

Very truly yours,

PAUL L. DOUGLAS
Attorney General
(Signed) Royce N. Harper
Assistant Attorney General

RNH:pjs
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hefner asked unanimous consent to have his name added as co-introducer to LB 254. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 18. Title read. Considered.

Standing Committee amendments, AM0387, found in the Journal on page 594 for the Thirtieth Day were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Miss Kilgarin asked unanimous consent to withdraw her pending amendment, AM0105, found in the Journal on page 417. No objections. So ordered.

Miss Kilgarin offered the following amendment:
AM0580
1. On page 2, line 23, after "court" insert "when the amount of compensation due is disputed".
2. On page 3, line 14, after the period insert "Interest shall apply only to those weekly compensation benefits awarded which have accrued at the time payment is made by the employer.".

The Kilgarin amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Miss Kilgarin moved for a Call of the House. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Miss Kilgarin requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 22:

Barrett Beutler Chambers Chronister Cullan

Doyle	Eret	Fowler	Higgins	Hoagland
Johnson, R.	Kilgarin	Labedz	Landis	Morehead
Newell	Pappas	Rupp	Vickers	Wagner
Warner	Wiitala			

Voting in the negative, 17:

Abboud	Carsten	Clark	DeCamp	Goodrich
Haberman	Hefner	Jacobson	Johnson, L.	Kahle
Lamb	Lundy	Nichol	Peterson, H.	Peterson, R.
Remmers	Von Minden			

Present and not voting, 3:

Fenger	Hannibal	Sieck

Absent and not voting, 2:

Schmit	Wesely

Excused and not voting, 5:

Beyer	Goll	Johnson, V.	Marsh	Pirsch

Failed to advance to E & R for Review with 22 ayes, 17 nays, 3 present and not voting, 2 absent and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 363. Title read. Considered.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Pending.

ATTORNEY GENERAL'S OPINION

Opinion No. 51
March 14, 1983

Dear Senator Pirsch:

This is in response to your letter of February 22, 1983, concerning the constitutionality of Section 5 of LB 146 which provides that a child placement agency shall provide medical histories to adopted persons as well as to the adopting parents. Your concern was whether the state

could constitutionally require private adoption agencies to open their medical records to a requesting party.

Section 5 expands Neb.Rev.Stat. §43-128 (1982 Supp.) which provides that medical histories of the adopted person and of the adopted person's mother and father shall be provided to the adopting parents. In addition to making medical histories available to the adopted person, it specifies that the information shall be maintained and provided by child placing agencies.

When you refer to a private adoption agency you apparently mean a licensed adoption or child placement agency which is affiliated with a church or some private organization as compared to the Department of Welfare which is involved in adoption as a public agency. In Grey v. Maxwell, 206 Neb. 385, 293 N.W.2d 90, the court pointed up the similarity of the Department of Public Welfare and a licensed adoption agency where there is a relinquishment involved as opposed to a relinquishment to a private person.

A private licensed adoption agency is certainly subject to the same standards, requirements, and protection involving release of information pursuant to §§43-107 et seq., as is the Department of Welfare.

As §42-128 now stands, it provides that adopting parents are furnished with information on the adopted person. Section 5 of LB 146 broadens the statute to provide that the adopted person can, on request, be furnished medical information on his or her biological parents. Clearly, an adoptive parent can have a need for the medical history of the adoptive person and his biological parents. Likewise, an adopted person, particularly when emancipated can have a need for his or her own parental medical history. Any release of such medical data would have to conform to the restrictions on release of information which protects the anonymity of the biological parents except through the mutual consent process set out in §§43-130 through 43-138.

In summary, a private adoption agency can be required to furnish medical information as a condition of its licensing in that the requirement is clearly within the public interest. Further, the adoptive parent and the adopted person are essentially of the same classification in regard to the need for medical information. Therefore, it is our opinion that from the standpoint of equal protection making the medical information available to the adopted person is a move toward constitutionality rather than away from it.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Royce N. Harper
Assistant Attorney General

RNH:pjs
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 18A. By Kilgarin, 7th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 18, Eighty-eighth Legislature, First Session, 1983.

VISITORS

Visitors to the Chamber were Darlene Weed and Jim Cutaback from Kearney; Elmer and Rose Jacobson; a group from Kearney; 15 students and teachers from Lexington St. Annes High School; Dodge County Board of Supervisors; Eileen Miller from Wakefield; Mary Rose Kuskie and Darlene Burge from Valentine; and 17 students and teachers from Omaha South High School.

ADJOURNMENT

At 11:59 a.m., on a motion by Mr. L. Johnson, the Legislature adjourned until 9:00 a.m., Thursday, March 17, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SIXTH DAY - MARCH 17, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 17, 1983

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Monsignor Charles J. Keenan of Blessed Sacrament Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Higgins who was excused; and Messrs. Eret, Fowler, Goodrich, Lamb, Landis, Rupp, Warner, Wesely, Wiitala, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Fifth Day was approved.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 43, LR 44, LR 45, and LR 46.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 90, 90A, 199, 235, 277, 438, 497, 573, and 579.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Changes to LB 199

The following changes, required to be reported for publication in the Journal, have been made:
ER0020

1. On Page 1, line 3, "to provide for duplicate annual permits;" has been inserted before the last "to".

2. In the Chambers amendment, "a Class V misdemeanor" has been shown as stricken and the period deleted after "29-431".

Enrollment and Review Changes to LB 235

The following changes, required to be reported for publication in the Journal, have been made:
ER0019

1. In the Higgins amendment AM0709, line 3, "first" has been inserted after "the"; and in lines 5 and 6 "strike 'and' and show as stricken," has been stricken.

2. In the Hefner amendment, in line 10, an underscored comma has been inserted before "together" and the second "the" has been stricken and "any" inserted; and in line 11 an underscored comma has been inserted after "allegations".

3. In the Beutler amendments 1 and 2, the period has been moved behind the last quotation marks; in the Beutler amendment 4, line 2, "such" has been replaced with "Such"; and underscoring has been added.

4. On page 17, line 12, and page 20, line 16, "sections" has been stricken.

Enrollment and Review Change to LB 497

The following change, required to be reported for publication in the Journal, has been made:
ER0021

1. On page 3, line 5, the underscored comma has been stricken.

(Signed) Tristi J. Wilson
E & R Attorney

MESSAGE FROM THE GOVERNOR

March 16, 1983

Mr. President, Mr. Speaker and
Members of the Legislature

State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Board of Public Roads Classifications and Standards, requiring legislative confirmation:

Appointee: Robert Stutzman (Department representative), Department of Roads, District Engineer, Lincoln, P.O. Box 94759, Lincoln, NE 68509-4759, 474-4987, Succeeds: David O. Coolidge, Resigned

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) DONALD F. MCGINLEY
Acting Governor

cc: Robert Stutzman
Accountability and Disclosure Commission
Board of Public Roads Classifications and Standards
Department of Administrative Services
Staff Assistant to the Governor
for Executive Appointments (2 copies)
Nebraska Blue Book

ANNOUNCEMENT

Mr. Schmit announced the Public Works Committee will have an Executive Session right after our Governor's Appointment Hearing today - March 17, 1983 - 1:00 P.M.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 70.

A BILL FOR AN ACT to amend section 84-1503, Reissue Revised Statutes of Nebraska, 1943, relating to retirement; to provide for an analysis of the investment return on certain 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Fenger	Goll	Haberman	Hannibal
Hefner	Hoagland	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Labedz	Lundy	Marsh	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Schmit	Sieck	Vickers	Von Minden
Wagner				

Voting in the negative, 0.

Present and not voting, 2:

Jacobson Morehead

Excused and not voting, 11:

Eret	Fowler	Goodrich	Higgins	Kilgarin
Lamb	Landis	Rupp	Warner	Wesely
Wiitala				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 70A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 70, Eighty-eighth Legislature, First Session, 1983.

Whereupon the 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Fenger	Goll	Haberman	Hannibal
Hefner	Hoagland	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Labedz	Landis	Marsh	Newell
Nichol	Peterson, H.	Peterson, R.	Pirsch	Remmers
Schmit	Sieck	Vickers	Von Minden	Wagner

Voting in the negative, 0.

Present and not voting, 4:

Jacobson	Lundy	Morehead	Pappas

Excused and not voting, 10:

Eret	Fowler	Goodrich	Higgins	Kilgarin
Lamb	Rupp	Warner	Wesely	Wiitala

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 134 to Select File

Mr. Pappas moved to return LB 134 to Select File for the following specific amendment:
AM0322
1. In the Standing Committee amendments found on page 317 of the Journal, on page 1, strike lines 5 to 8.

The motion to return prevailed with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 134. The Pappas 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.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 181.

A BILL FOR AN ACT to amend section 2-3316, Reissue Revised Statutes of Nebraska, 1943, relating to soybean development; to change the assessment of a fee 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Fenger	Goll	Haberman	Hannibal
Hefner	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Wiitala	

Voting in the negative, 0.

Excused and not voting, 5:

Eret	Fowler	Goodrich	Higgins	Kilgarin

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 303.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-709.01, Reissue Revised Statutes of Nebraska, 1943, and section 31-755, Revised Statutes Supplement, 1982; to change certain interest provisions on payments due contractors; 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Eret	Fenger	Fowler	Goll
Haberman	Hannibal	Hefner	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Labedz
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Remmers	Rupp	Schmit	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Wiitala

Voting in the negative, 1:

Pirsch

Excused and not voting, 3:

Goodrich Higgins Kilgarin

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 310.

A BILL FOR AN ACT to amend section 17-543, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the second class and villages; to remove a prohibition on eligibility for the office of water commissioner; and to repeal the original section.

Whereupon the 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:

Abboud	Barrett	Beutler	Beyer	Chambers
Chronister	Clark	Cullan	DeCamp	Doyle
Eret	Fenger	Fowler	Goll	Haberman
Hannibal	Hefner	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala				

Voting in the negative, 0.

Present and not voting, 1:

Carsten

Excused and not voting, 2:

Goodrich Higgins

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 relating to retirement; to amend sections 23-2309, 84-1310, and 84-1311, Reissue Revised Statutes of Nebraska, 1943, and section 23-2310, Revised Statutes Supplement, 1982; to change provisions relating to a member's employer account; 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, 41:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Cullan	Doyle	Eret	Fenger
Fowler	Goll	Haberman	Hannibal	Hefner
Hoagland	Johnson, L.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Vickers	Wagner	Warner	Wesely
Wiitala				

Voting in the negative, 2:

Clark Von Minden

Present and not voting, 4:

Beutler DeCamp Jacobson Johnson, R.

Excused and not voting, 2:

Goodrich Higgins

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 329.

A BILL FOR AN ACT to amend section 25-1641, Revised Statutes Supplement, 1982, relating to juror selection; to change provisions relating to the selection of petit jurors as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Eret	Fenger	Fowler	Goll
Haberman	Hannibal	Hefner	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala			

Voting in the negative, 0.

Excused and not voting, 2:

Goodrich Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 380.

A BILL FOR AN ACT to amend sections 46-229, 46-229.02, and 46-229.04, Reissue Revised Statutes of Nebraska, 1943, relating to surface water; to modify provisions relating to forfeiture, annulment, and cancellation of water appropriations; 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Eret	Fenger	Fowler	Goll
Haberman	Hannibal	Hefner	Hoagland	Jacobson
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala				

Voting in the negative, 0.

Present and not voting, 1:

Johnson, L.

Excused and not voting, 2:

Goodrich Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 406.

A BILL FOR AN ACT to amend section 39-623, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to modify provisions relating to passing on the right of a 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, 47:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Eret	Fenger	Fowler	Goll
Haberman	Hannibal	Hefner	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala			

Voting in the negative, 0.

Excused and not voting, 2:

Goodrich Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 535.

A BILL FOR AN ACT to amend sections 2-4011, 2-4012, and 2-4016, Revised Statutes Supplement, 1982, relating to agriculture; to modify provisions relating to grain sorghum development; 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Doyle	Eret	Fenger	Fowler	Goll
Haberman	Hannibal	Hefner	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala			

Voting in the negative, 0.

Excused and not voting, 2:

Goodrich Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 542.

A BILL FOR AN ACT to amend sections 71-3708, 71-3709, and 71-3710, Reissue Revised Statutes of Nebraska, 1943, relating to sanitarians; to change provisions relating to renewal fees; to require continuing education for sanitarians as prescribed; 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, 34:

Barrett	Carsten	Chambers	Chronister	DeCamp
Doyle	Eret	Fenger	Fowler	Haberman
Hannibal	Hoagland	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Landis	Lundy	Marsh
Morehead	Newell	Pappas	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Sieck	Vickers
Wagner	Warner	Wesely	Wiitala	

Voting in the negative, 12:

Abboud	Beyer	Clark	Cullan	Goll
Hefner	Jacobson	Johnson, L.	Lamb	Nichol
Peterson, H.	Von Minden			

Present and not voting, 1:

Beutler

Excused and not voting, 2:

Goodrich Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 542A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 542, Eighty-eighth Legislature, First Session, 1983.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Barrett	Carsten	Chronister	DeCamp	Doyle
Eret	Fenger	Fowler	Haberman	Hannibal
Hoagland	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Landis	Lundy	Marsh	Morehead
Newell	Pappas	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Wagner
Warner	Wesely	Wiitala		

Voting in the negative, 11:

Abboud	Beyer	Clark	Cullan	Hefner
Jacobson	Johnson, L.	Lamb	Nichol	Peterson, H.
Von Minden				

Present and not voting, 3:

Beutler	Chambers	Goll

Excused and not voting, 2:

Goodrich Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 155. Mr. Chambers asked unanimous consent to pass over. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mr. Chronister asked unanimous consent to be excused. No objections. So ordered.

MR. CLARK PRESIDING

MOTION - Return LB 414 to Select File

Mr. Chambers moved to return LB 414 to Select File for the following specific amendment:

On page 2, strike: "except that 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"

Mr. Chambers requested a roll call vote on his motion to return.

Voting in the affirmative, 25:

Abboud	Barrett	Beyer	Chambers	Cullan
Doyle	Eret	Fenger	Goll	Haberman
Hannibal	Hefner	Hoagland	Johnson, R.	Johnson, V.
Kilgarin	Labedz	Morehead	Peterson, R.	Pirsch
Rupp	Sieck	Vickers	Wagner	Wiitala

Voting in the negative, 20:

Beutler	Carsten	Clark	DeCamp	Fowler
Jacobson	Johnson, L.	Kahle	Lamb	Landis
Lundy	Newell	Nichol	Pappas	Peterson, H.
Remmers	Schmit	Von Minden	Warner	Wesely

Present and not voting, 1:

Marsh

Excused and not voting, 3:

Chronister Goodrich Higgins

The Chambers motion to return prevailed with 25 ayes, 20 nays, 1 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 414. The Chambers specific amendment found in this day's Journal was considered.

SPEAKER NICHOL PRESIDING

Mr. Beutler 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 requested a record vote on the Chambers amendment.

Voting in the affirmative, 25:

Abboud	Barrett	Beyer	Chambers	Doyle
Eret	Fenger	Goll	Goodrich	Haberman
Hannibal	Hefner	Hoagland	Johnson, R.	Johnson, V.
Kilgarin	Labedz	Morehead	Peterson, R.	Pirsch
Rupp	Sieck	Vickers	Wagner	Wiitala

Voting in the negative, 20:

Beutler	Carsten	Clark	DeCamp	Fowler
Jacobson	Johnson, L.	Kahle	Lamb	Landis
Lundy	Newell	Nichol	Pappas	Peterson, H.
Remmers	Schmit	Von Minden	Warner	Wesely

Present and not voting, 2:

Cullan Marsh

Excused and not voting, 2:

Chronister Higgins

The Chambers amendment was adopted with 25 ayes, 20 nays, 2 present and not voting, and 2 excused and not voting.

Mr. Clark requested a machine vote on the advancement of the bill.

Advanced to E & R for Re-Engrossment with 33 ayes, 9 nays, 6 present and not voting, and 2 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 70, 70A, 181, 303, 310, 313, 329, 380, 406, 535, 542, and 542A.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 353. Placed on General File.

LEGISLATIVE BILL 494. Placed on General File as amended.
Standing Committee amendment to LB 494:
AM0771

1. Insert the following new section:
"Sec. 10. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 322. Indefinitely postponed.
LEGISLATIVE BILL 452. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Fenger asked unanimous consent to print the following amendment to LB 395 in the Journal. No objections. So ordered.

AM0764

1. On page 4 strike beginning with the underscored comma in line 6 through the underscored comma in line 7 and show the old matter as stricken.
2. On page 25 strike lines 8 through 12 and show the old matter as stricken; in line 16 strike "(l)", show as stricken, and insert "(k)"; and in line 18, strike "(m)", show as stricken, and insert "(l)".
3. On page 26, line 7, strike "(n)", show as stricken, and insert "(m)"; in line 12 strike "(o)", show as stricken, and insert "(n)"; in line 15, strike "(p)", show as stricken, and insert "(o)"; in line 17 strike "(q)", show as stricken, and insert "(p)"; and in line 24 strike "(r)", show as stricken, and insert "(q)".
4. On page 27, line 2, strike "(s)", show as stricken, and insert "(r)"; in line 4 strike "(m)", show as stricken, and insert "(l)"; and in line 14 strike "(t)", show as stricken, and insert "(s)".

Mr. Carsten asked unanimous consent to print the following

amendment to LB 391 in the Journal. No objections. So ordered.

AM0733
1. On page 2, line 22, strike "pursuant to".
2. In the Standing Committee amendments,
AM0317, found on page 544 of the Journal, in lines 5 and
6, strike "section 77-2315".
3. On page 4, strike the new matter and all
amendments thereto in lines 1 through 7; reinstate
beginning with the first comma in line 7 through the
semicolon in line 9; reinstate beginning with "(3)" in
line 9 through the first "fund" in line 11; in line 11
after the stricken comma insert "or" and reinstate "bond
interest fund"; in line 12 reinstate "and school
money,"; and in line 13 reinstate the stricken matter
and after "collected" insert "; and (4) for the
collection of all sums of money for special assessments
for municipal improvements, one and one half per cent of
the sums collected".
4. On page 5, line 2, before the period
insert "or to the lending institution or other party
responsible for paying such special assessments"; and in
line 15 before the period insert "or to the lending
institution or other party responsible for paying such
taxes or special assessments".

ANNOUNCEMENT

Mr. V. Johnson announced that at its March 2, 1983 meeting the Legislative Council Executive Board adopted a motion that all Legislative employees be authorized to take as administrative leave April 1 and April 4, 1983.
If the legislative employee is required to work on those days, such employee will be allowed compensatory time for the hours worked.

MR. V. JOHNSON PRESIDING

SELECT FILE

LEGISLATIVE BILL 241. E & R amendment, AM5061, found in the Journal on page 967 for the Forty-Fifth Day was adopted.

Mr. DeCamp offered the following amendment:
AM0782
1. 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.".

The amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 19. E & R amendments, AM5044, found in the Journal on page 936 for the Forty-Third Day were adopted.

Mr. Hoagland renewed his pending amendment found in the Journal on page 868.

The amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM0662, found in the Journal on page 890. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 19A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 125. E & R amendments, AM5045, found in the Journal on page 936 for the Forty-Third Day were adopted.

Mr. Beutler offered the following amendment:

"The aforesaid goods shall not be sold for less than their par value; and," in lines 2 & 3 of page 3.

The amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Von Minden offered the following amendment:

AM0790

1. In the Standing Committee amendments, page 1, lines 4 and 14 and page 2, line 1, strike "For purposes of this act" and insert "Notwithstanding any other provision of this section".

2. Strike the E & R amendment 2.

The amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 365. E & R amendment, AM5060, found in the Journal on page 968 for the Forty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 188. Mr. Wagner renewed his pending amendment, AM0663, found in the Journal on page 969.

The amendment was adopted with 25 ayes, 2 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 230 in the Journal. No objections. So ordered.

AM0768
(Amendments to Standing Committee Amendments, AM0315)

1. On page 1, line 8, strike "in a calendar year"; and in lines 16 and 17 strike "in a calendar year".

2. On page 2, line 4, strike "in a calendar year"; strike beginning with "(1)" in line 13 through the period in line 16, show the old matter as stricken and insert "A committee shall file legibly printed or typed campaign statements pursuant to sections 49-1459 and 49-1461 starting with the campaign statement next due after it receives contributions or makes expenditures of over one thousand dollars to support or oppose one or more candidates or the qualification, passage, or defeat of one or more ballot questions."; in line 19 strike "which was" and show as stricken and strike the comma and show as stricken; in line 21 strike "in question", show as stricken, and insert "due"; and strike beginning with "with" in line 23 through line 26, show as stricken, and insert "on the date the person or persons forming the committee raised, received, or spent any money.".

3. On page 3, strike beginning with "raised" in line 1 through the underscored period in line 18 and show the old matter as stricken.

Messrs. R. Johnson and Schmit asked unanimous consent to print the following amendment to LB 252 in the Journal. No objections. So ordered.

AM0608

1. Insert a new section as follows:

"Sec. 3. That section 8-157, Reissue Revised

Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 58, Eighty-eighth Legislature, First Session, 1983, be amended to read as follows:

8-157. (1) No bank shall maintain any branch bank and, except as provided in ~~subsection (2) or~~ subsections (2) ~~(3)~~ to (9) of this section and section 3, Legislative Bill 58, Eighty-eighth Legislature, First Session, 1983, the general business of every bank shall be transacted at the place of business specified in its charter.

(2) With the approval of the director, (a) any bank may maintain an attached auxiliary office, if such office is physically connected by a pneumatic tube or tubes, or a walkway, tunnel, or any other electronic, mechanical, or structural connection or attachment for the public use of the bank and is within two hundred feet of the building containing the premises specified as its place of business in its charter or any adjacent connected building housing a continuation of the operations of the bank's main office and is not within three hundred feet of another bank or another bank's ~~auxiliary~~ attached or detached office, and (b) any bank may establish and maintain commencing (i) in 1983 not more than three detached auxiliary offices, (ii) in 1984 not more than four detached auxiliary offices, and (iii) in 1985 and thereafter not more than five detached auxiliary offices at which all banking transactions allowed by law may be made. Such attached or detached auxiliary offices shall be within the corporate limits of the city in which such bank is located. Any bank that establishes and maintains two or more attached or detached auxiliary offices shall locate one of such offices within three miles of the premises specified as its place of business in its charter. No detached auxiliary office shall be located within three hundred feet of another bank or within fifty feet of another detached auxiliary office.

(3) With the approval of the director, any bank or banks may establish and maintain any number of electronic satellite facilities or manned electronic satellite facilities at which all banking transactions, defined as receiving deposits of every kind and nature and crediting such to customer accounts, cashing checks and cash withdrawals, transfer of funds from checking accounts to savings accounts, transfer of funds from savings accounts to checking accounts, transfer of funds from either checking accounts and savings accounts to accounts of other customers, payment transfers from

customer accounts into accounts maintained by other bank customers or the bank, including preauthorized draft authority, preauthorized loans and credit transactions, receiving payments payable at the bank or otherwise, and such other transactions that the Director of Banking and Finance upon application, notice, and hearing may approve, may be conducted. Such electronic satellite facilities or manned electronic satellite facilities may be established only by a bank as defined in subdivision (4) of section 8-101 or by a national banking association whose main chartered office is located in the State of Nebraska. Neither such electronic satellite facilities, the manned electronic satellite facilities, nor the transactions conducted thereat shall be construed as the establishment of a branch bank or as branch banking. Such facilities shall be available on a nondiscriminating basis for use by customers of any other bank becoming a user bank. It shall not be deemed discrimination if a facility does not offer the same transaction services as other facilities.

Any bank may become a user bank by agreeing to pay the establishing bank its pro rata transaction and other costs, including a reasonable return on capital expenditures incurred in establishing and maintaining such facilities. The establishing bank shall file with the director the information necessary to originate a transaction at any facility. Such information must contain a means of designating the bank or processor to which such transactions shall be switched, and must also contain information adequate to perform authorization of cash withdrawal and other transactions authorized by this section. The director shall make such information available to any other bank desiring to become a user bank. The establishing bank shall be responsible for transmitting transactions originating from its facility to a switch, but nothing contained in this section may be construed to provide that any in-house or auxiliary office premises transactions shall be required to go through a switch. The director shall refuse to approve the establishment of any electronic satellite facilities or manned electronic satellite facilities unless such facilities will be available on a nondiscriminating basis through methods and processes that the establishing bank has provided for switching transactions. Once approval is given for the facility of an establishing bank, the director, upon notice and after a hearing, may revoke the approval for the facility or may suspend the use of such facility if he

or she determines that it is not available on a nondiscriminating basis, that the necessary information is not on file with the director, or that transactions originated by customers of user banks are not being switched to processing centers. Nothing in this section may be construed to prohibit nonbank employees from assisting in transactions originated at the facilities, and such assistance shall not be deemed to be engaging in the business of banking. Such nonbank employees may be trained in the use of the facilities by bank employees.

(4) An establishing bank shall not be deemed to make a facility available on a nondiscriminating basis if, through personnel services offered, advertising on or off the facility premises, or otherwise, it discriminates in the use of the facility against any user bank.

(5) Off-premises electronic satellite facilities and manned electronic satellite facilities may be established and maintained by a bank or by a group of two or more banks or a combination of a bank or banks and a third party. No one, through personnel services offered, advertising on or off the facility premises, or otherwise, may discriminate in the use of the facility against any other user bank desiring to use the services of the facility.

(6) It is an intent of this section that this section shall apply to banks chartered by the State of Nebraska and all national banking associations whose main chartered offices are located in the State of Nebraska and that there be an equal opportunity to all Nebraska banks for the use of and access to a switch and that no discrimination shall exist or preferential treatment be given in either the operation of such switch or the charges for use thereof. The operation of such switch shall be with the approval of the Director of Banking and Finance. Approval of such switch shall be given by the Director of Banking and Finance when he or she shall determine that its design and operation are such as to provide access thereto and use thereof by any Nebraska bank without discrimination as to access or cost of its use.

(7) If the director, upon notice and hearing, determines at any time that the design or operation of a switch or provision for use thereof does discriminate against any bank in providing access thereto and use thereof either through access thereto or by virtue of the cost of its use, he or she may revoke his or her

approval of such switch operation and forthwith order the discontinuance of the operation of such switch.

(8) If it shall be determined by the Director of Banking and Finance, after notice and hearing, that discrimination against any bank has taken place or that one bank has been preferred over another or that any bank or person has not complied with any of the provisions of this section, he or she shall forthwith issue a cease and desist order or an order for compliance within ten days from the date of the order and upon noncompliance with such order, the offending bank shall become ineligible to receive and hold any deposits of any nature of the State of Nebraska or any political subdivision thereof.

(9) The provisions of sections 8-101 and 8-157 shall apply to banks and their activities only. Nothing in such sections may be construed to provide any authority for any nonbank institution to engage in any of the banking transactions enumerated in this section. When reference is made in this section to activities by third parties, such activities shall be limited to the ownership, operation, and maintenance of electronic satellite facilities.

(10) Nothing in this section shall prohibit ordinary clearinghouse transactions between banks.".

2. On page 8, line 17, strike "and"; and in line 19 after the comma insert "and section 8-157, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 58, Eighty-eighth Legislature, First Session, 1983,".

3. Renumber remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 179. Mr. Lamb requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 11 nays, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 169. E & R amendments, AM5043, printed separate from the Journal and referred to on page 915 for the Forty-Third Day were adopted.

Mr. Newell offered the following amendment:
AM0737

1. On page 2, line 3, strike "1983" and insert "1984"; and after line 13 insert a new paragraph

as follows:

"The rates in effect on January 1, 1984, shall remain in effect until permanently set by the Legislature in accordance with the provisions of this act.".

2. Insert a new section as follows:

"Sec. 4. This act shall become operative on January 1, 1984.".

3. In the Warner amendment line 2, strike "effective" and insert "operative".

4. Renumber remaining sections accordingly.

The amendment was adopted with 25 ayes, 13 nays, 9 present and not voting, and 2 excused and not voting.

Mr. H. Peterson moved to indefinitely postpone LB 169.

Laid over.

LEGISLATIVE BILL 59. E & R amendment, AM5034, found in the Journal on page 652 for the Thirty-Second Day was adopted.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM0414, found in the Journal on page 624. No objections. So ordered.

Messrs. Newell and Cullan asked unanimous consent to withdraw their pending amendment, AM0335, found in the Journal on page 523. No objections. So ordered.

Messrs. V. Johnson, Cullan, DeCamp, Newell, and Miss Kilgarin asked unanimous consent to withdraw their pending amendment, AM0529, found in the Journal on page 923. No objections. So ordered.

Mr. DeCamp moved to indefinitely postpone LB 59.

Laid over.

LEGISLATIVE BILL 126A. E & R amendment, AM5046, found in the Journal on page 936 for the Forty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 282. E & R amendment, AM5047, found in the Journal on page 956 for the Forty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 282A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 378. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 374. E & R amendment, AM5048, found in the Journal on page 956 for the Forty-Fourth Day was adopted.

Mr. Chambers requested to pass over LB 374.

LEGISLATIVE BILL 240. E & R amendments, AM5049, found in the Journal on page 956 for the Forty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 223. E & R amendments, AM5050, found in the Journal on page 957 for the Forty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 281. E & R amendments, AM5051, found in the Journal on page 957 for the Forty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 299. E & R amendment, AM5052, found in the Journal on page 957 for the Forty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

Mr. R. Peterson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 154. E & R amendment, AM5053, found in the Journal on page 957 for the Forty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 209. E & R amendment, AM5054, found in the Journal on page 957 for the Forty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

SPEAKER NICHOL PRESIDING

LEGISLATIVE BILL 137. E & R amendment, AM5055, found in the Journal on page 957 for the Forty-Fourth Day was adopted.

Mr. V. Johnson renewed his pending amendment, AM0604, found in the Journal on page 932.

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Abboud reoffered his amendment, AM0367, found in the Journal on page 726.

The amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 391. Mr. Carsten requested to pass over.

LEGISLATIVE BILL 230. E & R amendments, AM5056, found in the Journal on page 958 for the Forty-Fourth Day were adopted.

Mr. Hefner renewed his pending amendment, AM0768, found in this day's Journal.

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 302. E & R amendments, AM5057, found in the Journal on page 967 for the Forty-Fifth Day were adopted.

Mr. Carsten requested to pass over LB 302.

LEGISLATIVE BILL 594. E & R amendment, AM5059, found in the Journal on page 968 for the Forty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 119. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 204. Mr. Wesely requested to pass over.

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 129 in the Journal. No objections. So ordered.

AM0626

1. On page 2, line 22, strike "or three hundred thousand or more"; and in line 24 strike "and less than three hundred thousand".

2. On page 4, lines 12 and 13, strike the new

matter and reinstate the stricken matter.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 17, 1983, at 11:45 a.m., were the following bills: 70, 70A, 181, 303, 310, 313, 329, 380, 406, 535, 542, and 542A.

(Signed) Jan Loder, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 319. Placed on Select File as amended.
E & R amendments to LB 319:
AM5063

1. For purposes of correlation with section 2 of LB 248, on page 4, lines 22 and 25, and page 5, lines 2 and 15, remove the underscoring of the comma; on page 6, line 14, strike "1980" and insert "1984"; on page 7, line 27, insert a comma after "club"; on page 10, line 4, insert a semicolon after "consumption"; on page 14, line 16, strike the stricken matter and remove the underscoring; and on page 15, line 7, strike "under the age of twenty-two".

2. On page 16, strike lines 1 to 10.

3. On page 1, line 2, page 2, line 2, and page 17, line 18, after the second comma, insert "as amended by section 2, Legislative Bill 248, Eighty-eighth Legislature, First Session, 1983,".

LEGISLATIVE BILL 150. Placed on Select File as amended.
E & R amendments to LB 150:
AM5062

1. On page 1, line 2, strike "31-727" and insert "31-728"; and in line 6 strike "boundary" and insert "annexation and enlargement of territory".

2. Strike the Standing Committee amendment.

(Signed) Rod Johnson, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 470A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the

provisions of Legislative Bill 470, Eighty-eighth Legislature, First Session, 1983.

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 214 in the Journal. No objections. So ordered.

AM0773

1. On page 8, after line 11, insert "(8) An elected official of a city of the primary or metropolitan class;"; in line 12 strike "(9)" and insert "(10)"; and in line 13 strike "(10)" and insert "(11)".

Mr. Hoagland asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM0692

(Amendments to the Standing Committee Amendments)

1. In the Standing Committee Amendments on page 717 of the Journal, on page 2, line 13, strike the first comma and insert "and"; strike beginning with the second comma in line 13 through "30" in line 14; after line 17 insert:

"10. On page 19, line 16; page 20, lines 12 and 17; page 24, lines 14, 18, 22, and 24; and page 25, lines 14 and 19, strike "16 to 30" and insert "11 to 25".

11. On page 21, line 7, strike "19" and insert "14"; and in line 16 strike "20" and insert "15".

12. On page 22, line 22, strike "21" and insert "16"

13. On page 23, lines 12 and 17, strike "22" and insert "17"; and in line 19 strike "21" and insert "16".".

2. Renumber amendments 10 and 11 as 14 and 15 respectively.

VISITORS

Visitors to the Chamber were 100 fourth grade students and teachers from Crete; 20 eighth grade students and teacher from Blessed Sacrament School, Lincoln; Tim Borcher, Amy Fehinger, Jennifer Curtiss, Devin Wandless, Sharon Johnson, Mia Kreinberg, Jeff Kuehn, Audra Massie, Craig Mills and Carter Kokjer and sponsors, Mr. Bill Michie and Mr. Dick Yahn; 42 students, adults, and teachers from Jefferson Elementary School, Grand Island; 23 seniors and teacher from Coleridge; and Senator Vickers' daughter, Cindy, and Scott Roth from Chicago.

ADJOURNMENT

At 12:05 p.m., on a motion by Mrs. Pirsch, the Legislature adjourned until 9:00 a.m., Friday, March 18, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SEVENTH DAY - MARCH 18, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 18, 1983

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Pastor Herbert E. Wenz, First German Congregational Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mesdames Higgins, Labedz, and Pirsch who were excused; and Messrs. Doyle, Fenger, Fowler, Haberman, Hoagland, R. Johnson, Remmers, Rupp, Schmit, Vickers, Warner, Wiitala, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 992, line 30, strike "6" and insert "5".
The Journal for the Forty-Sixth Day was approved as corrected.

ATTORNEY GENERAL'S OPINION

Opinion No. 52
March 16, 1983

Dear Senator DeCamp:

You have requested our opinion in connection with LB 336. Your question arises as a result of our Opinion No. 41, Opinion of the Attorney General 1983-1984, March 10, 1983. In that opinion we said that the distributional formula contained in LB 336 was unconstitutional. Your question is whether the distributional formula in LB 336 could be abandoned, and in its place, an amendment inserted providing for the transfer of funds raised by a state-wide

lottery to the general fund for general state purposes. You have not provided us a specific amendment for this purpose, nor the exact details any such amendment may contain. We must, therefore, be very general in our answer to your query.

Article III, Section 24 of the Constitution in part provides:

> The Legislature shall not authorize any game of chance, nor any lottery, or gift enterprise where the consideration for a chance to participate involves the payment of money for the purchase of property, services, chance or admission ticket, or requires an expenditure of substantial effort or time; Provided, that it may authorize and regulate other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

This provision of the Constitution allows the Legislature to establish lotteries under certain conditions. Our Supreme Court has recognized this in State v. City Betterment Corporation, 197 Neb. 575, 250 N.W.2d 601 (1977). In that case the Supreme Court found that a particular lottery operated by a private corporation for city betterment purposes in Omaha was unlawful under the then existing statutory scheme. They, however, did recognize the authority of the Legislature to authorize lotteries by statutory enactment within the constraints of Article III, Section 24. The two obvious questions which one must address in determining whether proceeds from a state-wide lottery could be used for general fund purposes, are whether the state is a promoter within the terms of the constitutional provision; and the meaning of the term "community betterment purposes."

In City Betterment, supra, the Supreme Court construed the term "promoter" to mean the persons or organizations legally responsible for conducting a lottery. That definition was arrived at against a contention that "promoter" included anyone who advanced money, sold tickets, secured financing, organized, managed or in any other way advanced the lottery. The question, then, is whether or not the prohibition against a promoter receiving profits would apply to a state run lottery where the proceeds inure to the benefit of the state through the general fund.

We have been unable to find any legislative history or case law dealing with this question. We believe it fair to say, upon a review of legislative history, that the possiblity of the state conducting a lottery was not one considered by the voters nor, indeed, the legislative proponents of the amendment to Article III, Section 24 authorizing the Legislature to allow lotteries. We are unable, however, to read into that section a prohibition against the state operating a lottery where the purpose of the lottery is for community betterment purposes. The state, as a promoter, would not generally be thought of as being one who was profiting from the operation of the lottery. We believe this would be the result a court considering such a question would be likely

to reach because the expenditure of state funds involves the operation of government. Thus, profit in the sense of one receiving a benefit or retaining a benefit from an economic activity is not applicable to the state, qua state. We say this fully recognizing that a number of state agencies or departments do operate in a quasi entrepreneurial fashion. Nonetheless, the sums expended are expended for state or governmental purposes. We thus believe that the prohibition against profit inuring to the benefit of the promoters would not be a prohibition applicable to the state itself should such sums be placed into the general fund.

The second point of analysis is the meaning of the term "community betterment purposes." Once again, an examination of legislative history and the case law of both the constitutional amendment and the enacting ordinance, does not assist us at all in a definition of the term "community betterment purposes." In such a situation one is normally required to discern legislative intent from the language of the act itself. See, Canada Ltd. v. Kreuscher, 204 Neb. 220, 281 N.W.2d 762 (1979). It is an also an obvious rule of statutory construction that in the absence of any contrary evidence, the words of a statute or a constitutional amendment must be given their ordinary meaning. See, Douglas County v. Board of Regents, 210 Neb. 573, 316 N.W.2d 62 (1982).

Websters Third New International Dictionary, Unabridged Edition, 1967 defines "betterment" as the making or becoming better: improvement as: an improvement of an estate that makes it better and more valuable than mere repairs would do, an improvement that does more than restore to a former good condition, the replacement in accounting of an existing asset with one of greater cost or superior value. That same volume variously defines "community" including the following: A body of individuals organized into a unit or manifesting unusual awareness of some unifying trait: a state or commonwealth.

We believe that under these definitions it is fair to say that the expenditure of the sums raised by a state run lottery for general fund purposes of the State of Nebraska would amount to a community betterment purpose for the state as a whole. We say this fully recognizing that betterment as defined by Websters means something more than simply ongoing expenditures. There is certainly enough expenditures made out of the general fund which are, in fact, within the definition of betterment, that such expenditures would be proper.

We do not believe sums raised from a lottery and placed in the general fund must be limited to specific projects. However, if such a limitation were enacted it would be within the legislative authority to define proper purposes. Such a definition could be very general in nature or very specific as the legislature saw fit. Within these limitations, we believe your proposal would be constitutional.

Very truly yours,
PAUL L. DOUGLAS

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

PTO:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature

REPORT

Received 1982 annual report of the Board of Regents from the University of Nebraska.

Received report of the Office of Risk Management-State Claims Board pursuant to Section 81-8,226, R.S. Supp. 1981 and all claims paid under Workmen's Compensation Laws pursuant to Section 48-1,104 R.S. Supp.1981

STANDING COMMITTEE REPORT
Business and Labor

LEGISLATIVE BILL 496. Placed on General File.

(Signed) Bill Barrett, Chairperson

MOTION - Approve Appointments

Mr. Hefner moved the adoption of the report of the Miscellaneous Subjects Committee for the following Governor appointments found in the Journal on page 956: Pat Morocco - Nebraska Accountability and Disclosure Commission; Ted Kooser - Nebraska Arts Council; LaVon Crosby - Nebraska Arts Council.

Voting in the affirmative, 26:

Barrett	Beyer	Carsten	Chambers	Chronister
Cullan	Eret	Goll	Goodrich	Hannibal
Hefner	Johnson, L.	Johnson, V.	Lamb	Landis
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Sieck	Von Minden	Wagner
Wesely				

Voting in the negative, 0.

Present and not voting, 7:

Abboud	Beutler	Clark	DeCamp	Jacobson
Kahle	Lundy			

Excused and not voting, 16:

Doyle	Fenger	Fowler	Haberman	Higgins
Hoagland	Johnson, R.	Kilgarin	Labedz	Pirsch
Remmers	Rupp	Schmit	Vickers	Warner
Wiitala				

The appointments were confirmed with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Mr. Lamb moved the adoption of the report of the Public Works Committee for the following Governor appointments found in the Journal on page 915: George A. Miles - State Highway Commission; Holly Jensen - Director of the Motor Vehicle Department; Lou Lamberty - Director, State Engineer of the Department of Roads; Terrence D. Malcom - Oil and Gas Conservation Commission; J. Michael Jess - Director of the Department of Water Resources; Joseph W. McNamara, Jr. - Board of Public Roads Classifications & Standards.

Voting in the affirmative, 29:

Abboud	Beyer	Carsten	Chronister	Cullan
DeCamp	Eret	Goll	Goodrich	Hannibal
Hefner	Hoagland	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Lamb	Landis	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Remmers
Sieck	Vickers	Von Minden	Wesely	

Voting in the negative, 0.

Present and not voting, 8:

Barrett	Beutler	Chambers	Clark	Jacobson
Lundy	Peterson, R.	Wagner		

Excused and not voting, 12:

Doyle	Fenger	Fowler	Haberman	Higgins
Kilgarin	Labedz	Pirsch	Rupp	Schmit
Warner	Wiitala			

The appointments were confirmed with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

Mr. Sieck moved the adoption of the report of the Constitutional Revision and Recreation Committee for the following Governor appointment found in the Journal on page 940: Neal Keller -

Commissioner, Game and Parks Commission.

Voting in the affirmative, 29:

Abboud	Beyer	Carsten	DeCamp	Eret
Goll	Goodrich	Hannibal	Hefner	Hoagland
Johnson, L.	Johnson, V.	Kahle	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Remmers	Sieck
Von Minden	Wagner	Wesely	Wiitala	

Voting in the negative, 0.

Present and not voting, 9:

Barrett	Beutler	Chambers	Chronister	Clark
Cullan	Jacobson	Johnson, R.	Vickers	

Excused and not voting, 11:

Doyle	Fenger	Fowler	Haberman	Higgins
Kilgarin	Labedz	Pirsch	Rupp	Schmit
Warner				

The appointment was confirmed with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

NOTICE OF COMMITTEE HEARING
Education

Governor's Appointments, Friday, March 25, 1983 1:15 p.m.
Pete G. Kotsiopulos - Board of Trustees of Nebraska State Colleges
Thomas L. Morrissey - Board of Trustees of Nebraska State Colleges

(Signed) Tom Vickers, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 47.

Introduced by Vickers, 38th District.

WHEREAS, the University of Nebraska-Lincoln women's track team has completed an outstanding season; and

WHEREAS, at the final indoor track meet of the season the University of Nebraska-Lincoln women's track team captured the National Collegiate Athletic Association indoor track championship; and

WHEREAS, the winning of such a championship is a tribute to Coach Gary Pepin, his staff, and the University of Nebraska-Lincoln women's track team and illustrates a willingness to endure the hard work and struggle associated with great accomplishments; and

WHEREAS, such outstanding achievements deserve special recognition.

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

1. That the Legislature congratulates and commends the University of Nebraska-Lincoln women's track team and Coach Gary Pepin; and

2. That the Legislature commends the competitive spirit and sportsmanship of the University of Nebraska-Lincoln women's track team; and

3. That a copy of this resolution be sent to Coach Pepin and the University of Nebraska-Lincoln women's track team.

Laid over.

SELECT FILE

LEGISLATIVE BILL 374. Mr. Chambers renewed his pending amendment, AM0565, found in the Journal on page 795.

Mr. Schmit offered the following amendment to the Chambers amendment:
Pg 1, line 19.
Strike "$500" & insert "$2000,"
and on line 12 strike "2%" and insert "5%"

The Schmit amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

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, 15:

Carsten	Chambers	Cullan	DeCamp	Doyle
Fowler	Landis	Marsh	Morehead	Newell
Pappas	Remmers	Schmit	Sieck	Vickers

Voting in the negative, 20:

Abboud	Barrett	Beutler	Chronister	Clark

Eret	Fenger	Hefner	Hoagland	Jacobson
Johnson, L.	Johnson, V.	Kilgarin	Lamb	Nichol
Peterson, H.	Von Minden	Wagner	Warner	Wesely

Present and not voting, 10:

Beyer	Goll	Goodrich	Hannibal	Johnson, R.
Kahle	Lundy	Peterson, R.	Rupp	Wiitala

Absent and not voting, 1:

Haberman

Excused and not voting, 3:

Higgins	Labedz	Pirsch

The Chambers amendment, as amended, lost with 15 ayes, 20 nays, 10 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Advanced to E & R for Engrossment.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 391. Mr. Carsten renewed his pending amendment, AM0733, found in the Journal on page 994.

The amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 319. E & R amendments, AM5063, found in the Journal on page 1004 for the Forty-Sixth Day were adopted.

Mr. Beyer asked unanimous consent to withdraw his pending amendment, AM0704, found in the Journal of page 916. No objections. So ordered.

Messrs. Wesely, DeCamp, Schmit, and Mrs. Labedz renewed their pending amendment, AM0726, found in the Journal on page 968.

Mr. Beutler asked unanimous consent to have his name added to the Wesely et al pending amendment. No objections. So ordered.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vickers offered the following amendment to the Wesely et al amendment:
On page 1, line 6, strike "prior to, on, or" and strike "after January 1, 1983" on line 9.

The Vickers amendment lost with 14 ayes, 17 nays, 13 present and not voting, and 5 excused and not voting.

Mr. L. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

The Wesely et al amendment was adopted with 27 ayes, 13 nays, 5 present and not voting, and 4 excused and not voting.

Mr. V. Johnson offered the following amendment:
Substitute "independent contractor" for "individual" in the second line of the amendment.

Mr. H. Peterson 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. V. Johnson moved for a Call of the House. The motion lost with 14 ayes, 19 nays, and 16 not voting.

The V. Johnson amendment lost with 11 ayes, 22 nays, 12 present and not voting, and 4 excused and not voting.

Mr. Newell moved to return LB 319 to Labor Committee for a public hearing.

Mr. Lamb 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 lost with 11 ayes, 18 nays, and 20 not voting.

The Newell motion lost with 15 ayes, 20 nays, 10 present and not voting, and 4 excused and not voting.

Messrs. Wiitala and Cullan moved to indefinitely postpone LB 319.

Mr. H. Peterson moved the previous question. The question is, "Shall

the debate now close?" The motion lost with 21 ayes, 14 nays, and 14 not voting.

Mr. Lundy asked unanimous consent to be excused. No objections. So ordered.

Messrs. Wiitala and Cullan asked unanimous consent to withdraw their motion to indefinitely postpone LB 319. No objections. So ordered.

Mr. Beyer asked unanimous consent to pass over LB 319. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 308 in the Journal. No objections. So ordered.

AM0799

1. Insert the following new section:
"Sec. 2. Notwithstanding the provisions of section 5-108, at the general election in 1984 in cities of the first class, except any city having adopted the commissioner or city manager form of government, the issue of whether to elect city council members by ward or at large shall be placed on the ballot.".
2. Renumber the remaining sections accordingly.

Mr. Hoagland asked unanimous consent to print the following amendment to LB 214 in the Journal. No objections. So ordered.

AM0773

1. On page 8, after line 11, insert "(9) An elected official of a city of the primary or metropolitan class;"; in line 12 strike "(9)" and insert "(10)"; and in line 13 strike "(10)" and insert "(11)".

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

The Committee on Government, Military & Veteran's Affairs desires to report favorably upon the appointments or reappointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Forrest D. Chapman - Director, Department of Personnel
David R. Flebbe - State Personnel Board
Bruce H. Peters - State Personnel Board

Vote: Aye: Senators Beutler, Cullan, R. Johnson, Landis and Vickers. No: None. Excused and Not Voting: Senators Chambers, Goll and Higgins.

(Signed) David Landis, Chairperson

Public Works

LEGISLATIVE BILL 120. Placed on General File as amended.
Standing Committee amendments to LB 120:
AM0755

1. On page 1, line 1, after "sections" insert "39-634.01, 39-634.02," and after "39-1302" insert a comma; and in line 4 before "signs" insert "highways and" and after the first semicolon insert "to allow the erection of specific information and business signs within the interstate right-of-way;".

2. Insert the following new sections:

"Section 1. That section 39-634.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-634.01. (1) Signs~~, displays, and devices~~ giving specific information of interest to the traveling public shall be erected at the direction of ~~by~~ the Department of Roads and maintained within the right-of-way ~~at appropriate distances from interchanges on~~ of the National System of Interstate and Defense Highways and from roads of the state primary system ~~as~~ and shall conform with the rules promulgated by the Department of Roads. Such rules shall be consistent with national standards ~~promulgated from time to time by the appropriate authority of the federal government~~ pursuant to Title 23, section 131, paragraph f, of the United States Code. ~~, except as provided in this section.~~

(2) For purposes of this section, specific information of interest to the traveling public shall mean only information about ~~public places for outdoor recreation, camping, lodging, eating, and motor fuel~~ food, motor fuel, lodging, and camping and associated services, including trade names. Each business so advertised shall be in operation sixteen hours per day, seven days per week. ~~, with telephone and restroom facilities, motor fuel, oil, and water. Information on motor fuel and associated services may include vehicle service and repair where the same are available.~~

Sec. 2. That section 39-634.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

39-634.02. (1) Commercial vendors using informational signs shall furnish informational panels to the Department of Roads and pay to the department an annual ~~fee of twenty-five dollars~~ maintenance fee, such amount to be determined by the Department of Roads in an amount necessary to cover the actual costs incurred by the department, for each informational panel. ~~for posting such informational panels.~~

(2) Upon receiving the informational panels and the ~~annual twenty-five dollar fee~~ one year maintenance fee, the Department of Roads shall direct the posting of such informational panels. ~~post the informational panels and the commercial vendor shall not be required to remove any advertising device, except any advertising device which was unlawfully erected in violation of any provision of this act, as a condition precedent to the posting of such informational panels by the Department of Roads.~~

(3) There is hereby created ~~in the state treasury~~ a fund to be known as the Highway Beautification Fund and all funds received for the posting of informational panels shall be deposited in such fund. Such fund shall be expended for the administration of sections 39-634.01 and 39-634.02.".

3. On page 10, after line 19 insert "(4) In all instances when nonconforming signs, displays, and devices were erected between April 16, 1982, and the effective date of this act, the department shall provide just compensation for the removal of such sign, display, or device.

For the purposes of this section, just compensation, by agreement between the department and the owner of such sign, may include:

(a) Direct compensation for the removal of such sign;

(b) Allowing such sign, display, or device to remain in place for a period not to exceed five years from the effective date of this act, at which time the sign shall be removed at the expense of the owner of such sign; or

(c) Some combination of subdivisions (a) and (b) of this subsection."; and in line 22 after "act" insert ", as provided in subsection (4) of this section".

4. On page 14, line 21, after "sections" insert "39-634.01, 39-634.02," and after "39-1302" insert a comma.

5. Renumber the remaining sections accordingly.

(Signed) Loran Schmit, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 48.

Introduced by Appropriations Committee: Warner, 25th District, Chairperson; L. Johnson, 15th District; Marsh, 29th District; Wagner, 41st District; Morehead, 30th District; H. Peterson, 35th District; Kahle, 37th District; Goodrich, 20th District; Kilgarin, 7th District.

WHEREAS, the Nebraska Legislature has established an appropriation process under Rule 8 of the Rules of the Nebraska Unicameral;

WHEREAS, the Legislature's appropriation process calls for the Appropriations Committee to issue a preliminary budget report and recommend a total General Fund appropriation for each year of the following biennium;

WHEREAS, the state agencies have requested approximately $920.4 million in new General Fund appropriations for 1983-84 and approximately $982.8 million in new General Fund appropriations for 1984-85;

WHEREAS, the Appropriations Committee has completed an extensive review of state programs resulting in the introduction of legislation that reduces the scope of state government, increases fees to finance services, or provide for cost containment;

WHEREAS, the Appropriations Committee has issued the report required by Section 2 of Rule 8;

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

1. That the Nebraska Legislature recommends a maximum General Fund appropriation of $758.75 million for 1983-84 and $781.51 million for 1984-85.

Laid over.

STANDING COMMITTEE REPORT
Agriculture and Environment

The Committee on Agriculture and Environment reports favorably on the following gubernatorial appointment. The Committee recommends that the Legislature approve the report with a record vote.

Robert Raun - Director, Department of Agriculture

Voting: Ayes: Senators Haberman, Wiitala, Remmers, Pirsch, R. Peterson, Pappas, and Eret. Nays: None. Absent: Senator Chronister.

(Signed) Rex Haberman, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 297 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - AM0732.)

Mr. Wiitala asked unanimous consent to print the following amendment to LB 454 in the Journal. No objections. So ordered.

AM0802

1. Insert a new section as follows:

"Sec. 2. No bank shall levy any service charge against any savings account or combination checking and savings account because the balance in the account is less than a specified amount, except that this section shall not apply to accounts having a negative balance.".

2. Renumber original sections 2 and 3 as sections 3 and 4, respectively.

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 17, 1983. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Ayres, Joseph W. - Lincoln, Nebraska Aviation Trades Association
Batenhorst, Gary R. - Omaha, Godfather's Pizza, Inc.
Cutshall, Bruce A. - Lincoln, Donnelley Marketing Data Processing Operations
Fethkenher, Ted L. - Lincoln, (Withdrawn 2-11-83), Nebraska Association of Homes for the Aging
O'Hara, Paul V. - Lincoln, International Game Technology
Pierce, William L. - Washington, D.C., National Committee for Adoption, Inc.

Ryan, James E. - Lincoln, Nebraska Optometric Association
Wickersham, Wm. R. - Harrison, Save Nebraska Water
Zwisler, Carl E., III - Washington, D.C., International Franchise Association

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 254A. By Cullan, 49th District; Hefner, 19th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 254, Eighty-eighth Legislature, First Session, 1983.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 296. Placed on General File as amended.
Standing Committee amendments to LB 296:
AM0791

1. Insert the following new section:

"Section 1. That section 79-1287, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1287. In order to promote the growth and development of education in Nebraska which is essential to the welfare of its people, it is hereby declared to be the policy of the state to promote the improvement of personnel management and relations with certificated employees within the public school districts of the state by providing a uniform basis for recognizing the right of public school certificated employees to join organizations of their own choice in all ~~Class III, IV, and V~~ school districts and be represented by such organizations in their professional and employment relations with the school district. The provisions of the Nebraska Teachers Professional Negotiations Act shall be applicable to all classes of school districts except Class I districts which employ six or fewer teachers.".

2. On page 2, line 12, strike "79-12,100" and insert "79-1295".

3. On page 3, lines 3 and 8, strike "79-12,100" and insert "79-1295"; in line 8 after "exhausted" insert "as to recognition or subjects for negotiations"; strike beginning with "the" in line 11

through "completed" in line 14 and insert "such disputed matters"; in line 18 after the comma insert "if the negotiated agreement so provides,"; and in line 25 after "sections" insert "79-1287," and after "79-1290" insert a comma.

LEGISLATIVE BILL 388. Placed on General File as amended.
Standing Committee amendment to LB 388:
AM0785

1. On page 4, line 2, after "property" insert ", other than property used primarily for the care or education of children or adults,".

LEGISLATIVE BILL 465. Placed on General File as amended.
Standing Committee amendments to LB 465:
AM0786

1. On page 1, strike lines 1 to 7 and insert:
"FOR AN ACT to amend section 79-801, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to the annexation of property by cities lying within certain school districts; to repeal the original section; and to declare an emergency."

2. Strike the original sections and insert the following new sections:
"Section 1. That section 79-801, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
79-801. (1) The territory embraced within the corporate limits of each incorporated city or village in the State of Nebraska, together with such additional territory and additions to such city or village as may be added thereto, as declared by ordinances to be boundaries of such city or village, except as provided in subsection (2) of this section, having a population of more than one thousand and less than one hundred thousand inhabitants, including such adjacent territory as now is or hereafter may be attached for school purposes, shall constitute a school district of the third class and be known by the name of The School District of (name of city or village), in the county of (name of county), in the State of Nebraska. As such in that name, the district shall be a body corporate and possess all the usual powers of a corporation for public purposes, and in that name and style may sue and be sued, purchase, hold, and sell such personal and real estate, and control such obligations as are authorized by law. The title to all school buildings or other

property, real or personal, owned by any school district within the corporate limits of any city or village, shall, upon the organization of the district, vest immediately in the new district; and the board of education of the new district shall have exclusive control of the same for all purposes herein contemplated; Provided, that where the territory annexed by a change of boundaries of such city has been part of a Class IV, V, or VI school district for more than one year prior thereto, having been annexed by petition, the question as to which district the annexed territory shall be part of shall be negotiated by the school boards of the school districts involved. If the majority of the members of each school board cannot reach agreement on such question within ninety days after the effective date of the city annexation ordinance, the question of which school district the annexed territory shall be a part of shall be placed on the ballot for the next primary or general election. The registered voters of all Class I districts which form the annexed territory shall then vote on the question at such election. When a city or village subject to this section annexes territory in which registered voters reside and which has been part of a Class III school district for more than one year prior thereto, the issue of whether the area annexed shall remain a part of its current school district or whether it shall become part of the school district of the annexing city or village shall be submitted to the registered voters of the area annexed. The issue may be submitted at a primary, general, or special election. The election shall be conducted in the same manner, as nearly as possible, as other elections in such school district are conducted. Notice of the election to be held pursuant to this section shall be published at least once each week for three weeks prior to the election. The governing board of the school district of the annexing city or village shall call for the election and shall pay the costs of such election. A simple majority of votes cast shall resolve the issue.

If, within the boundaries of the annexed territory, there exists a Class VI school, the school building, facilities, and land owned by the district shall remain a part of the Class VI district notwithstanding any action taken by the school boards and notwithstanding the result of such election.

If the Class VI district wishes to dispose of such school building, facilities, or land to any

individual or political subdivision, including a Class I school district, the question of such disposition shall be placed on the ballot for the next primary or general election. All registered voters of such Class VI district shall then vote on the question at such election. A simple majority of the votes cast shall resolve the issue.

(2) Notwithstanding subsection (1) of this section or section 79-801.02, any annexation by a city or village emcompassed within a Class III school district which annexation shall become effective after the effective date of this act, shall not result in the change of any school district boundaries until September 1, 1984, unless the boards of education of all the school districts affected by such annexation, by a majority vote of the members of all such boards, reach an agreement upon any such boundary changes within ninety days following the effective date of the annexation ordinance.

Sec. 2. That original section 79-801, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 7. Indefinitely postponed.
LEGISLATIVE BILL 616. Indefinitely postponed.

(Signed) Tom Vickers, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 357. Indefinitely postponed.
LEGISLATIVE BILL 519. Indefinitely postponed.

(Signed) Steve Fowler, Chairperson

Judiciary

LEGISLATIVE BILL 511. Placed on General File.

LEGISLATIVE BILL 146. Placed on General File as amended.
Standing Committee amendments to LB 146:
AM0763

1. On page 2, line 12, strike the new matter.
2. Strike original section 2 and insert the following new section:

"Sec. 2. The petition for adoption of a child

born in a foreign country shall be accompanied by a copy of an order or decree of adoption which has been issued in any foreign country. The copy of such order or decree, duly certified and translated into English by a representative of the United States Department of State officially stationed in such country or, in the absence of any such representative, so certified and translated by the United States Department of State, shall operate as a consent to the adoption. A guardian shall not be required to be appointed to give consent if an order or decree for adoption has been entered by the child's country of origin.".

3. On page 3, in lines 5 through 27 strike the new matter and reinstate the stricken matter.

4. On page 4, strike lines 1 through 27.

5. On page 5, in lines 1 through 27 strike the new matter and reinstate the stricken matter.

6. On page 6, in lines 1 through 3 reinstate the stricken matter.

7. Strike original section 4.

8. On page 7, line 16, strike the comma and insert "and"; in line 17 strike "and 43-106,"; and strike beginning with "and" in line 19 through the second comma in line 20.

LEGISLATIVE BILL 403. Placed on General File as amended.
Standing Committee amendments to LB 403:
AM0760

1. On page 2, line 12, strike beginning with "Federal" through "Drugs", show as stricken, and insert "Drug Enforcement Administration and the Federal Bureau of Investigation"; and strike beginning with "Federal" in line 21 through "Drugs" in line 22, show as stricken, and insert "Drug Enforcement Administration and the Federal Bureau of Investigation".

2. On page 4, line 27, after "analysis" insert "for the Division of Drug Control and other peace officers of this state".

3. On page 6, lines 10 and 11, reinstate the stricken matter and strike the new matter.

4. On page 7, strike beginning with "The" in line 2 through the period in line 6 and show the old matter as stricken.

5. Insert the following new section:

"Sec. 5. On the effective date of this act, the Department of Health shall transfer all equipment, materials, and records under its control which were used by Nebraska State Patrol laboratory technicians for the

purposes of drug analysis to the Nebraska State Patrol.".

6. Renumber original section 5 as section 6.

LEGISLATIVE BILL 405. Placed on General File as amended.
Standing Committee amendments to LB 405:
AM0761

1. Strike the original sections and insert the following new sections:

"Section 1. That section 30-24,105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-24,105. If distribution in kind is made, the personal representative shall execute and record with the register of deeds an instrument or deed of distribution assigning, transferring, or releasing the assets to the distributee as evidence of the distributee's title to the property.

Sec. 2. That original section 30-24,105, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

LEGISLATIVE BILL 507. Placed on General File as amended.
Standing Committee amendment to LB 507:
AM0762

1. On page 2, line 24, strike "is" and insert "and also section 43-2,124, Revised Statutes Supplement, 1982, are".

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. DeCamp, Goll, and Mrs. Morehead asked unanimous consent to print the following amendment to LB 155 in the Journal. No objections. So ordered.

AM0803

(Amendments to Final Reading Second)

1. On page 3, lines 6 and 24, strike "unreasonably" and insert "substantially".

2. On page 4, line 4, strike "three" and insert "four"; in line 11 strike "thirty" and insert "forty"; in line 14 strike "thirty-day" and insert "forty-day"; and in line 20 after "notification" insert "by certified mail".

RESOLUTION

LEGISLATIVE RESOLUTION 49.

Introduced by DeCamp, 40th District; Wesely, 26th District.

WHEREAS, the horror of a nuclear holocaust is universally acknowledged; and

WHEREAS, present medical and scientific evidence shows that nuclear war, even a limited one, would result in death, injury, and disease on a scale unprecedented in human history; and

WHEREAS, the United States has enough nuclear weapons to destroy every Soviet city with a population of one hundred thousand at least thirty-five times over and the Soviet Union can destroy our cities twenty-eight times over; and

WHEREAS, the fiscal year 1982 Department of Defense annual report states that the "United States and Soviet Union are roughly equal in strategic nuclear power"; and

WHEREAS, the current strategy of the Soviet Union and the United States together calls for the production of at least twenty thousand new nuclear warheads and a new generation of delivery systems during the next decade; and

WHEREAS, the federal government is planning to spend more than one trillion dollars on the military in the next six years and at least two hundred billion of that will go for nuclear weapons and nuclear weapons research resulting in an unbalanced budget, major unemployment, and high interest rates, which adversely affects Nebraska's agricultural economy; and

WHEREAS, Nebraskans will pay at least four hundred million in federal tax dollars for nuclear weapons in the next six years; and

WHEREAS, Nebraska, by virtue of the location of the headquarters of the Strategic Air Command in Bellevue and the missile sites in western Nebraska, becomes a primary target for a nuclear attack; and

WHEREAS, the October 1982 Omaha World Herald Poll conclusively shows that a majority of Nebraskans favor a mutual freeze of nuclear arms.

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

1. That the Legislature hereby goes on record in support of an immediate, mutual, and verifiable freeze by the United States and the Soviet Union on the testing, production, and deployment of nuclear weapons and of missiles and new aircraft designed primarily to deliver nuclear weapons.

2. That the Secretary of State transmit certified copies of this resolution to the President of the United States, the Secretary of State of the United States, all members of Congress, and the Chairman of the Presidium of the Supreme Soviet.

Laid over.

VISITORS

Visitors to the Chamber were 26 students and teachers from Wolbach; 8 students and teacher from Loup County High School, Taylor; 28 seniors and teacher from Harvard; 50 members of Kiwanis Clubs from over the State; and Congressman Hal Daub from Washington, D. C.

ADJOURNMENT

At 11:55 a.m., on a motion by Mr. Hannibal, the Legislature adjourned until 10:00 a.m., Monday, March 21, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-EIGHTH DAY - MARCH 21, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

FORTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 21, 1983

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

PRAYER

The prayer was offered by Father Michal Churchman, St. Peters in the Valley, Lexington, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Haberman and H. Peterson who were excused; and Mrs. Higgins, Messrs. Beutler, Doyle, Fowler, Hoagland, V. Johnson, Lamb, Landis, Schmit, Warner, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Seventh Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 252. Placed on Select File as amended.
E & R amendments to LB 252:
AM5064

1. On page 1, line 3, strike "8-115.01" and insert "8-116"; in line 4, after the semicolon insert "to state legislative findings;"; in line 8 strike "and" and insert "to provide severability;"; and in line 9 after "sections" insert "; and to declare an emergency".

2. In the R. Johnson, Schmit amendment AM0642, adopted 3-14, page 1, line 3, strike "Section 1." and insert "Sec. 2."; on page 2, line 8, after "association" insert an underscored comma; and in line 18, strike "5" and insert "6"; on page 3, line 6, strike the first "to" and insert "To"; in line 8, strike the

comma; strike amendment 5; and on page 4, line 7, strike "On" and insert "In the Standing Committee amendments, on".

3. In the Standing Committee amendments, page 1, lines 1 and 2 strike "The Legislature finds and declares:"; in line 4 strike "That" and insert "The Legislature finds and declares that"; and in lines 12 and 22 strike the semicolon and insert an underscored period; on page 2, line 6, strike "; and" and insert an underscored period; in line 12, strike "7" and insert "8"; in line 15, strike "page 2, line 24;"; and strike amendment 3.

4. On page 4, line 27, strike "subsection" show as stricken and insert "subsections".

5. On page 5, line 1, before "of" insert "and (4)"; in line 10 after "receivers" insert an underscored coma; and in line 25 strike "subsection", show as stricken, and insert "subsections", and reinstate the stricken "(3)" and before "(4)" insert "and".

6. Renumber original sections 2, 3, 4, and 5 as sections 3, 4, 5, and 7, respectively.

LEGISLATIVE BILL 78. Placed on Select File as amended.
E & R amendment to LB 78:
AM5065

1. On page 1, line 6, strike "county" and insert "prosecuting".

LEGISLATIVE BILL 270. Placed on Select File.

Correctly Engrossed

The following bill was correctly engrossed: LB 241.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 241

The following changes, required to be reported for publication in the Journal, have been made:

ER0023

1. On page 1, line 6, "and" has been stricken; and in line 7 after "procedures" insert "; and to declare an emergency".

(Signed) Tristi J. Wilson
E & R Attorney

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached Reference Report Nos. IX, X, XI, and XII, Governor's Appointments, which were approved by the Board on March 21, 1983.

Judiciary
Teresa Luther - Crime Victims Reparation Board

Public Health and Welfare
Phyllis Haberman (R) - State Board of Health
Dr. Robert Rosenlof (R) - State Board of Health
John J. Clark - State Board of Health
Julie Brown Arfmann - State Board of Health

Agriculture and Environment
Michael M. Garwood - Environmental Control Council
William C. Peters - Environmental Control Council

Education
Pete G. Kotsiopolos - NE State College Board of Trustees
Tom Morrissy - NE State College Board of Trustees

Nebraska Retirement Systems
Phil Kaldahl - Public Employees Retirement Board
Alcurtis Robinson - Public Employees Retirement Board
Jean Jeffrey - Public Employees Retirement Board

Public Works
Michael Jess - Director, Department of Water Resources
Mike Shaughnessey - Natural Resources Commission
Bob Bell (R) - Natural Resources Commission
Dick Hahn (R) - Natural Resources Commission
Robert Stutzman - Board of Public Roads Classifications and Standards

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

SPEAKER'S ANNOUNCEMENT

March 18, 1983

Senator Vard Johnson, Chairperson
Reference Committee
Room 2108
State Capitol Building
Lincoln, Nebraska 68509

RE: Resolutions

Dear Senator V. Johnson:

Pursuant to the authority vested in me as Speaker, regarding the referral of Resolutions to a Committee for a hearing, I hereby send to the Reference Committee LRs 37, dealing with Natural Gas Regulation Decontrol; and LR 49, Nuclear Freeze. I forward these to your Committee for referral to the appropriate standing committee for public hearing.

Should you have any questions or comments, please don't hesitate to contact me.

Sincerely,
(Signed) William E. Nichol
Speaker of the Legislature

WEN:tle
cc: Patrick J. O'Donnell
Clerk of the Legislature

ATTORNEY GENERAL'S OPINION

Opinion No. 53
March 17, 1983

Dear Senator Wiitala:

This is in reply to your inquiry pertaining to LB 446 of the Eighty-eighth Legislature, First Session (1983). Perhaps your inquiry can best be understood by first stating a cursory digest of this legislative bill and then your inquiry.

It is the intent of LB 446, pursuant to section 1 thereof, to provide a systematic method for promoting the professional growth of school personnel in their job performance and to improve the educational system of the state. Section 2 of LB 446 would create a Professional Staff Development Fund. Any funds appropriated thereto could only be used for staff development of school personnel as provided in the act. To be eligible to receive funds pursuant to the act, a school district or a cooperative of school districts would be required to submit an application to the State Department of Education for approval. Section 3(1) of LB 446 mandates that the application must include, inter alia, proof of the creation of a local staff development policy board or a staff development board for a cooperative of school districts and section 3(7) mandates that the application must designate a "fiscal agent, which shall be a school board, acting on behalf of a cooperative or on its own behalf." You state that there has been some discussion of amending section 3(7) of LB 446 and thereby permitting an educational service

unit to also act as a fiscal agent on behalf of a cooperative of school districts. Your inquiry is whether such an amendment would be constitutionally sound.

We see no particular constitutional problem with such an amendment provided it states that the board of an educational service unit may also be designated as a fiscal agent to act on behalf of a cooperative of school districts. However, we wish to advise you that such amendment could give rise to a situation whereby the board of an educational service unit would act as a fiscal agent for a staff development policy board that is made up of representatives from school districts that are not included within the territory governed by that educational service unit board. That, of course, does not raise a constitutional issue but a serious policy issue to be determined by the Legislature.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTION

LEGISLATIVE RESOLUTION 50.

Introduced by Fenger, 45th District.

WHEREAS, this country's first use of atomic science in an adversarial situtation had the result of saving thousands of American lives; and

WHEREAS, advancements in atomic and nuclear science since that time have eased many hardships and provided answers in the fields of energy and medicine; and

WHEREAS, those same advancements have, however, created a world-wide military situation that could ultimately result in total annihilation of countries, or even continents; and

WHEREAS, the ultimate de-escalation of any military nuclear threat will probably be determined at a bargaining table by nations labeled "Super Powers"; and

WHEREAS, the petitions circulated, votes taken, and resolutions passed in the United States of America could have the ultimate effect of creating an early demise of one nation by putting undue pressure on only one side of a bargaining table.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA,

FIRST SESSION:

1. That the people of Nebraska, through its elected leaders, namely the Legislature of the state, go on record encouraging the people of the USSR to bring this same action, in like manner, to their nation's government, in the hope that both governments will accede to the wishes of the people in their respective countries.

Laid over.

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE RESOLUTION 20. Placed on General File as amended.
Standing Committee amendments to LR 20:
AM0804

1. Strike beginning with "at" in line 15 through "or" in line 16.
2. On page 2, line 13, after "minimum" insert "age"; and in line 14 after "state" insert "or political subdivision".

LEGISLATIVE RESOLUTION 14. Indefinitely postponed.

(Signed) Bernice Labedz, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 47. Read. Considered.

LR 47 was adopted with 25 ayes, 0 nays, and 24 not voting.

GENERAL FILE

LEGISLATIVE BILL 204A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 302A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 573A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 579A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 227. Placed on General File.

LEGISLATIVE BILL 130. Placed on General File as amended.
Standing Committee amendment to LB 130:
AM0784
1. On page 17, line 15, strike beginning with "with" through "Welfare" in line 16 and insert "by the State Fire Marshall".

LEGISLATIVE BILL 289. Indefinitely postponed.
LEGISLATIVE BILL 328. Indefinitely postponed.
LEGISLATIVE BILL 387. Indefinitely postponed.

(Signed) Tom Vickers, Chairperson

GENERAL FILE

LEGISLATIVE BILL 363. Considered.

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.

Advanced to E & R for Review with 27 ayes, 5 nays, 10 present and not voting, and 7 excused and not voting.

ATTORNEY GENERAL'S OPINION

Opinion No. 54
March 18, 1983

Dear Senator Chambers:

This is in reply to your inquiry pertaining to LB 414 of the Eighty-Eighth Legislature, First Session (1983). That legislative bill, as amended on February 22, 1983, would amend Neb.Rev.Stat. §79-604.01 (Reissue 1981) to provide, in part, that all infants born in the State of Nebraska shall be screened for phenylketonuria and primary hypothyroidism except that "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." In connection therewith you have asked five questions. We have considered each of your five questions, but in view of the conclusion we have reached with respect to your third question, that is the only one that needs to be discussed here.

What is an "established" church? How is such status established?

LB 414 does not define the meaning of an "established church." Hence, its meaning is somewhat uncertain or indefinite. For example, is an "established church" a church which was brought into existence on or before or after a specific date? Or, is an "established church" a church which has gained recognition or acceptance by a certain segment of society and if so, what segment? Webster's New Collegiate Dictionary defines an "established church" as a "church recognized by law as the official church of a nation and supported by civil authority." The foregoing are just a few of the uncertainties associated with the phrase "established church" in Section 1 of LB 414.

It is a basic principle of due process that an enactment is void for vagueness if its commands are not clearly defined. Grayned v. City of Rockford, 408 U.S. 104 (1972). Vague laws offend several important values. First, man is free to steer between lawful and unlawful conduct. Consequently, courts quite properly insist that laws give the person of ordinary intelligence a reasonable opportunity to know what is prohibited so that he may act accordingly. Second, if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. Where, as here, a specific phrase ("established church") can have several different meanings and is connected with the legislative bill as a whole, we can only conclude the above quoted amendment is vague and as a result, LB 414 is unconstitutional.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature
2018 State Capitol
Lincoln, NE 68509

UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh and Mr. Carsten asked unanimous consent to print the following amendment to LB 118 in the Journal. No objections. So ordered.

AM0817
1. On page 2, line 11, strike "Cornhusker",
show as stricken, and insert "The Tree Planter".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 199A. By Labedz, 5th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 199, Eighty-eighth Legislature, First Session, 1983.

GENERAL FILE

LEGISLATIVE BILL 35. Title read. Considered.

Standing Committee amendment, AM0270, found in the Journal on page 619 for the Thirty-First 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 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 35A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 308. Title read. Considered.

Standing Committee amendments, AM0388, found in the Journal on page 647 for the Thirty-Second Day were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Abboud offered the following amendment:
AM0821
1. On page 2, line 7, after the period insert
"The division into not less than four wards shall be
made as soon as possible after the effective date of
this act.".

The amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Newell asked unanimous consent to withdraw his pending amendment, AM0799, found in the Journal on page 1016. No

objections. So ordered.

Mr. Newell offered the following amendment:

1. Insert the following new section:

"Sec. 2. Notwithstanding the provisions of section 5-108, at the general election in 1984 in cities of the first class, except any city having adopted the commissioner or city manager form of government, the issue of whether to elect city council members by ward or shall remain at its present status".

2. Renumber the remaining sections accordingly.

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. Newell requested a record vote on his amendment.

Voting in the affirmative, 13:

DeCamp	Doyle	Fowler	Hannibal	Kahle
Kilgarin	Landis	Lundy	Newell	Nichol
Rupp	Wesely	Wiitala		

Voting in the negative, 18:

Abboud	Beyer	Carsten	Clark	Cullan
Fenger	Goll	Goodrich	Hefner	Jacobson
Johnson, L.	Johnson, R.	Marsh	Pappas	Peterson, R.
Pirsch	Remmers	Sieck		

Present and not voting, 12:

Barrett	Beutler	Chambers	Chronister	Eret
Higgins	Labedz	Lamb	Morehead	Vickers
Von Minden	Wagner			

Excused and not voting, 6:

Haberman	Hoagland	Johnson, V.	Peterson, H.	Schmit
Warner				

The Newell amendment lost with 13 ayes, 18 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 564. Placed on General File as amended.
Standing Committee amendment to LB 564:
AM0807
1. On page 2, line 1, strike "section" and insert "sections" and after "50-421" insert "and 50-422"; and in line 2 strike "is" and insert "are".

LEGISLATIVE BILL 28. Indefinitely postponed.
LEGISLATIVE BILL 151. Indefinitely postponed.
LEGISLATIVE BILL 347. Indefinitely postponed.
LEGISLATIVE BILL 575. Indefinitely postponed.

The Miscellaneous Subjects Committee reports favorably on the following gubernatorial appointments. The Committee recommends that the Legislature approve the appointments with a record vote.

Lucy Buntain - Nebraska Arts Council
Virginia Parker - Nebraska Arts Council

Voting yes to recommend approval: Senators Barrett, Fenger, Hannibal, Hefner, V. Johnson, Lundy, Von Minden. Voting no: None. Absent: Senator Newell.

(Signed) Elroy Hefner, Chairperson

Education

LEGISLATIVE BILL 284. Placed on General File as amended.
Standing Committee amendments to LB 284:
AM0818
1. Strike the original sections and insert the following new section:
"Section 1. After January 1, 1987, each technical community college, technical community college area, technical community college area board, and technical community college campus shall use the word technical or vocational as part of the name of such college, area, board, or campus, except that each campus allowed to provide general academic transfer programs pursuant to section 85-963 may use the word technical or vocational as part of the name of such campus but such campus shall indicate in all official correspondence,

signs, brochures, and all other private or public communications that such campus is a part of a technical community college area subject to this section.".

2. On page 1, strike lines 2 through 7 and insert "require the use of the word technical or vocational in the names of technical community colleges.".

LEGISLATIVE BILL 286. Placed on General File as amended.
Standing Committee amendment to LB 286:
AM0819

1. On page 3, lines 24 through 26, strike the new matter.

(Signed) Tom Vickers, Chairperson

MESSAGE FROM THE GOVERNOR

March 19, 1983

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Agricultural Products Industrial Utilization Committee - Gasohol, requiring legislative confirmation:

Appointee: Gary S. Goldberg, Corn Representative - Democrat; Route 1, Box 229, Kearney, NE 68847, (308) 234-6381, Term: Effective 3/18/83 to 7/1/85, Succeeds: William A. Metzger, Louisville, Confirmation rejected by Legislature.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Gary S. Goldberg
Accountability and Disclosure Commission
Agricultural Products Industrial Utilization Committee - Gasohol
Department of Administrative Services
Staff Assistant to the Governor

for Executive Appointments (2 copies)
Nebraska Blue Book

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 503. Placed on General File.

LEGISLATIVE BILL 246. Indefinitely postponed.
LEGISLATIVE BILL 247. Indefinitely postponed.

The Public Works Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Board of Public Roads Classifications & Standards: Vera Christensen, Heasty W. Reesman, Marvin S. Athey, William D. Lindholm, Richard A. Erixson.

Motor Vehicle Industry Licensing Board: Ted C. Cannon, Roger Cross, Donald Beltz, Darrell E. Barnes, Robert F. Borgmann.

Vote: Aye: Senators Schmit, Beyer, Clark, DeCamp, Doyle, Lamb, and Wesely. Absent and Not Voting: Senator Hoagland.

(Signed) Loran Schmit, Chairperson

GENERAL FILE

LEGISLATIVE BILL 269. Title read. Considered.

Mr. Cullan moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Advanced to E & R for Review with 25 ayes, 15 nays, 3 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 269A. Title read. Considered.

Mr. Cullan requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Abboud	Beutler	Chambers	Chronister	Cullan
DeCamp	Doyle	Fowler	Goodrich	Higgins
Kilgarin	Labedz	Landis	Lundy	Marsh
Morehead	Newell	Pappas	Schmit	Vickers
Wagner	Wesely	Wiitala		

Voting in the negative, 18:

Barrett	Beyer	Carsten	Eret	Fenger
Goll	Hannibal	Hefner	Jacobson	Johnson, L.
Kahle	Lamb	Nichol	Peterson, R.	Pirsch
Remmers	Sieck	Von Minden		

Present and not voting, 3:

Clark	Johnson, R.	Rupp

Excused and not voting, 5:

Haberman	Hoagland	Johnson, V.	Peterson, H.	Warner

Failed to advance to E & R for Review with 23 ayes, 18 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Pappas asked unanimous consent to be excused. No objections. So ordered.

Mr. Clark asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 362. Title read. Considered.

Standing Committee amendments, AM0492, found in the Journal on page 691 for the Thirty-Fourth Day were adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Wagner asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 573 in the Journal. No objections. So ordered.

on page 4, line 12, strike "may" insert "shall"
on page 4, line 17, strike "may" insert "shall"
on page 7, line 1, strike "may" insert "shall"
on page 7, line 9, strike "may" insert "shall"
on page 7, line 12, strike "may" insert "shall"

on page 7, line 17, strike "may" insert "shall"

Mr. Chambers asked unanimous consent to print the following amendment to LB 374 in the Journal. No objections. So ordered.

AM0814

(Amendments to Final Reading Copy)

1. Insert the following new sections:

"Section 1. That section 28-101, Revised Statutes Supplement, 1982, be amended to read as follows:

28-101. Sections 28-101 to 28-1335, ~~and~~ sections 28-929 to 28-933, and sections 3 to 8 of this act shall be known as the Nebraska Criminal Code.

Sec. 3. It shall not be unlawful for any person to engage in gambling on a sports or athletic event or contest if the bet is placed with a person who complies with sections 4 to 6 of this act. Sections 3 to 6 of this act shall not apply to horse racing.

Sec. 4. A tax of five per cent of the amount of the bet is hereby imposed on any bet made with respect to a sports or athletic event or contest. Each person engaged in the business of accepting bets shall be liable for the tax on all bets placed with him or her. Employees of a person engaged in such business shall not be liable for such tax.

Sec. 5. An additional tax of two thousand dollars per year shall be paid by each person liable for the tax imposed by section 4 of this act and by each person, other than an employee, who is engaged in receiving bets for or on behalf of a person so liable.

Sec. 6. Each person required to pay a tax pursuant to section 5 of this act shall register with the Department of Revenue. The department shall issue an appropriate stamp to each person who pays such tax and such person shall conspicuously place and keep in his or her establishment or place of business all stamps denoting payment of the tax.

Sec. 7. The Department of Revenue shall be responsible for collecting all taxes imposed by sections 4 and 5 of this act. The taxes shall be paid to the State Treasurer for deposit in the General Fund.

Sec. 8. Any person who violates any provision of sections 3 to 6 of this act shall be guilty of a Class I misdemeanor.".

2. Renumber original sections accordingly.

Mr. Chambers asked unanimous consent to print the following

amendment to LB 199 in the Journal. No objections. So ordered.

1. Page 3, line 6; Strike "a Class V misdemeanor"; insert "an infraction as defined in section 29-431 ."
line 11; After "infraction", insert "."; strike "as defined in section 29-431 ."

VISITORS

Visitors to the Chamber were Andrew Gordon from Scotland; 270 Nebraska students representing the Nebraska Council of Youth; 115 students and sponsors from Nebraska Farm Bureau, Women's Division; Bruce Emig from Colorado Springs, Colorado; Kathy Page from Cocoa Beach, Florida; 7 ladies from the Oakland Women's Club, Oakland; and Patricia Armstrong and Christina Schuers from Ponca.

RECESS

At 12:02 p.m., on a motion by Mr. Kahle, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:35 p.m, Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh, Messrs. Haberman, V. Johnson, Pappas, and H. Peterson who were excused; and Messrs. Cullan, Landis, Newell, Schmit, Mesdames Higgins, Labedz, and Miss Kilgarin who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 393. Title read. Considered.

Standing Committee amendment, AM0302, found in the Journal on page 703 for the Thirty-Fifth Day was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Mr. Newell asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 7 nays, 8 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 43. Title read. Considered.

Standing Committee amendments, AM0549, found in the Journal on page 778 for the Thirty-Eighth Day were adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Hoagland asked unanimous consent to pass over LB 43. No objections. So ordered.

LEGISLATIVE BILL 325. Title read. Considered.

Standing Committee amendments, AM0569, found in the Journal on page 783 for the Thirty-Eighth Day were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Newell moved to indefinitely postpone LB 325.

Mr. Beutler moved for a Call of the House. The motion prevailed with 12 ayes, 2 nays, and 35 not voting.

Mr. Beutler requested a roll call vote on the Newell motion.

Voting in the affirmative, 20:

Abboud	Beyer	Carsten	Clark	Cullan
DeCamp	Doyle	Fenger	Fowler	Hannibal
Hefner	Jacobson	Johnson, L.	Lamb	Newell
Pirsch	Remmers	Rupp	Von Minden	Wiitala

Voting in the negative, 19:

Barrett	Beutler	Chambers	Chronister	Eret
Goll	Goodrich	Higgins	Hoagland	Johnson, R.
Kahle	Kilgarin	Labedz	Landis	Lundy
Vickers	Wagner	Warner	Wesely	

Present and not voting, 4:

Morehead	Nichol	Peterson, R.	Sieck

Excused and not voting, 6:

Haberman	Johnson, V.	Marsh	Pappas	Peterson, H.
Schmit				

The Newell motion to indefinitely postpone prevailed with 20 ayes, 19 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 454. Title read. Considered.

Standing Committee amendments, AM0213, found in the Journal on page 434 for the Twenty-Second Day were considered.

MR. CLARK PRESIDING

Standing Committee amendments were adopted with 26 ayes, 3 nays, 14 present and not voting, and 6 excused and not voting.

Mr. DeCamp offered the following amendment:
Add the E clause.

The DeCamp amendment was adopted with 25 ayes, 3 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Wiitala renewed his pending amendment, AM0802, found in the Journal on page 1020.

Mr. DeCamp requested a ruling of the Chair on whether the Wiitala amendment is germane to the bill.

The Chair ruled the amendment not germane to the bill.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Wiitala moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Wiitala requested a roll call vote on the Chambers motion to overrule the Chair.

Voting in the affirmative, 19:

Abboud	Barrett	Chambers	Cullan	Eret
Goll	Higgins	Hoagland	Johnson, R.	Kilgarin
Labedz	Landis	Newell	Pirsch	Rupp
Sieck	Vickers	Wesely	Wiitala	

Voting in the negative, 24:

Beutler	Beyer	Carsten	Chronister	Clark
DeCamp	Doyle	Fenger	Goodrich	Hannibal
Hefner	Jacobson	Johnson, L.	Kahle	Lamb

Lundy	Morehead	Nichol	Peterson, R.	Remmers
Schmit	Von Minden	Wagner	Warner	

Excused and not voting, 6:

Fowler	Haberman	Johnson, V.	Marsh	Pappas
Peterson, H.				

The motion to overrule the Chair lost with 19 ayes, 24 nays, and 6 excused and not voting.

The Chair was sustained.

The Chair declared the Call raised.

Mr. Landis offered the following amendment:
To repeal the small loan interest rate maximums.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mrs. Labedz 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 requested a record vote on the Landis amendment.

Voting in the affirmative, 5:

Cullan	Hannibal	Kahle	Lamb	Landis

Voting in the negative, 22:

Beyer	Carsten	Chambers	Chronister	DeCamp
Doyle	Fowler	Goll	Goodrich	Jacobson
Johnson, L.	Kilgarin	Labedz	Morehead	Newell
Nichol	Pirsch	Remmers	Rupp	Von Minden
Warner	Wesely			

Present and not voting, 16:

Abboud	Barrett	Beutler	Clark	Eret
Fenger	Hefner	Higgins	Hoagland	Lundy
Peterson, R.	Schmit	Sieck	Vickers	Wagner
Wiitala				

Excused and not voting, 6:

Haberman Johnson, R. Johnson, V. Marsh Pappas
Peterson, H.

The Landis amendment lost with 5 ayes, 22 nays, 16 present and not voting, and 6 excused and not voting.

Speaker Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Advanced to E & R for Review with 25 ayes, 10 nays, 8 present and not voting, and 6 excused and not voting.

ANNOUNCEMENT

Mr. V. Johnson announced that there will be an Executive Board meeting March 22, 1983, at 10:00 a.m. under the north balcony to reference LRs 37 and 49.

SPEAKER'S ANNOUNCEMENT

March 21, 1983

Senator Vard Johnson, Chairperson
Reference Committee
Room 2108
State Capitol Building
Lincoln, Nebraska 68509

RE: Resolution Referral

Dear Senator V. Johnson:

Pursuant to the authority vested in me as Speaker, regarding the referral of Resolutions to a Committee for hearing, I hereby send to the Reference Committee LR 50, dealing with Nuclear Freeze. I forward this resolution to your Committee for referral to the appropriate standing committee for public hearing.

Should you have questions or comments, please don't hesitate to contact me.

Sincerely,
(Signed) William E. Nichol
Speaker of the Legislature

WEN:tle
cc: Patrick J. O'Donnell
Clerk of the Legislature

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 545. Placed on General File.

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 249 in the Journal. No objections. So ordered.

AM0711

1. Strike the Standing Committee amendments.
2. Strike the E and R amendments.
3. On page 2, line 10, strike "An", show as stricken, and insert "(a) Until December 31, 1984, an"; in line 11 strike "(a)", show as stricken, and insert "(i)"; in line 14 strike "(b)", show as stricken, and insert "(ii)"; and in line 20 strike "this subsection", show as stricken, and insert "subdivisions (i) and (ii) of this subdivision".
4. On page 3, line 10, before "Commencing" insert "(b)"; and in line 20 strike "this subsection" and insert "subdivisions (i) and (ii) of this subdivision".
5. On page 4, strike beginning with "six" in line 5 through "payroll" in line 6 and insert "determined in accordance with the negative balance rate schedule in this subdivision"; in line 9 after "cent" insert "As used in this subdivision, negative reserve ratio shall mean the ratio of the negative balance in the employer's experience account at the beginning of the calendar year to the average of the annual payroll by which contributions were measured for the previous four calendar years. For an employer with less than four years contribution experience, the average payroll shall be determined on the basis of the years for which contributions were payable"; and after line 9 insert

"Negative Balance Rate Schedule

Negative Reserve Ratio	Contribution Rate
less than 1 per cent	5.5 per cent
1 per cent but less than 2 per cent	5.6 per cent
2 per cent but less than 3 per cent	5.8 per cent
3 per cent but less than 4 per cent	6.0 per cent
4 per cent but less than 5 per cent	6.2 per cent
5 per cent but less than 6 per cent	6.4 per cent
6 per cent but less than 7 per cent	6.6 per cent

7 per cent but less than 8 per cent . . . . . .6.8 per cent
8 per cent but less than 9 per cent . . . . . .7.0 per cent
9 per cent but less than 10 per cent . . . . . .7.2 per cent
10 per cent or more. . . . . .7.4 per cent".

Messrs. Cullan, Hoagland, Wesely, and Schmit asked unanimous consent to print the following amendment to LB 142 in the Journal. No objections. So ordered.

AM0835

1. On page 2, strike the new matter in lines 3 through 21 and insert "the practice of chiropractic shall mean a system of therapy based on the premise that the relationship between the structural integrity of the spinal column and function in the human body is a significant health factor and that the normal transmission of nerve energy is essential to the restoration and maintenance of health. The practice of chiropractic shall include the practices and procedures of examination of the spine and procedures resulting from chiropractic clinical findings accepted by the Board of Examiners in Chiropractic, as a basis for the adjustment of the spinal column for the correction of nerve interference and articular malalignment. Chiropractic care shall be conducted with due regard for nutrition, environment, hygiene, sanitation, and rehabilitation, designed to exist in the respiration and maintenance of neurological integrity and homeostatic balance.

Nothing in this section shall be construed to authorize any of the following practices or procedures:

(1) Prescribing of drugs;

(2) Performing major or minor surgery;

(3) Penetrating the skin with a needle or any other instrument;

(4) Practicing any branch of medicine and surgery or osteopathy;

(5) X-ray of any organ other than the skeletal system;

(6) Treating or attempting to prevent, cure, or relieve a human disease, ailment, defect, complaint, or other condition in any manner other than as authorized by this section; or

(7) Invasive diagnostic tests or analysis of body fluid. Invasive shall mean any procedure involving penetration of the skin or any bodily orifice, whether by hand or by any device, except that this subdivision shall not preclude the use of superficial visual

examination.".

Mr. Hefner asked unanimous consent to print the following amendment to LB 269 in the Journal. No objections. So ordered.

AM0844
1. On page 2, lines 13, 18, and 19, strike "eight" and insert "four".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 19, 19A, 125, and 365.

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 134 and 414.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 125

ER0024
The following changes, required to be reported for publication in the Journal, have been made:
1. The language struck by the Beutler amendment has been shown as stricken.
2. On page 3, line 3, "if" has been struck and shown as stricken and "If" inserted.

Enrollment and Review Change to LB 414
(Amendments to Final Reading Bill)

ER0022
The following changes, required to be reported for publication in the Journal, have been made:
1. The Chambers amendment was to the Final Reading copy and the matter struck has been shown stricken.
2. On page 2, line 6, the underscored comma has been stricken and an underscored period inserted; and in line 10 the period has been struck and shown as stricken.

(Signed) Tristi J. Wilson
E & R Attorney

VISITORS

Visitors to the Chamber were 4 seniors and teacher from David City High School; Evelyn Dvorak, President of American Legion Auxiliary; and Howard Nelson, Willie Arp, and Dale Logemann from Washington County.

ADJOURNMENT

At 4:24 p.m., on a motion by Speaker Nichol, the Legislature adjourned until 9:00 a.m., Tuesday, March 22, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-NINTH DAY - MARCH 22, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 22, 1983

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Father James Dawson, St. Mary's Church, Lincoln, Nebraska.

PRESIDENT MCGINLEY PRESIDING

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Haberman, Hoagland, Mesdames Higgins, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Eighth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 126A, 154, 179, 188, 209, 223, 240, 281, 282, 282A, 299, and 378.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 179

The following changes, required to be reported for publication in the Journal, have been made:

ER0026

1. On page 1, line 3, "and trains" has been inserted after "cabooses".

Enrollment and Review Change to LB 223

The following changes, required to be reported for publication in the Journal, have been made:

ER0029
1. On page 2, line 19, after "judges" an underscored comma has been inserted; and in line 21, the comma has been stricken.

Enrollment and Review Change to LB 282A

The following changes, required to be reported for publication in the Journal, have been made:

ER0028
1. On page 1, line 3, "; and to declare an emergency" has been inserted after "1983".

(Signed) Tristi J. Wilson
E & R Attorney

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 47.

RESOLUTION

LEGISLATIVE RESOLUTION 51.

Introduced by Schmit, 23rd District.

PURPOSE:
To study the full impact of present and future railroad safety operations in Nebraska, especially with regard to the use of occupied cabooses on all trains in this state.

There presently exists a National Labor Agreement which includes provisions for the safe and orderly removal of certain cabooses in accordance with specific guidelines as agreed upon on an individual railroad basis by the railroads and their employee representatives who are most intimately acquainted with the complexities of individual situations. The Nebraska Legislature has considered measures which would statutorily require manned cabooses on trains operating within this state.

There is a compelling need for the Legislature to investigate charges that violations of the caboose provisions of the National Agreement have occurred in this state, along with their safety implications.

There is also a need to determine areas of state and federal jurisdiction relative to railroad safety.

The intent of this study is to obtain specific and factual information (which is presently lacking) on the effects of certain Nebraska railroad systems operating with and without occupied cabooses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE, 88TH LEGISLATIVE SESSION:

1. That the Public Works Committee of the Legislature shall be designated to conduct an interim study to carry out the purpose of this resolution.

2. That the committee shall upon conclusion of its study make an official report of its findings, together with recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Expedite LB 454

Mr. DeCamp asked unanimous consent to expedite LB 454. No objections. So ordered.

UNANIMOUS CONSENT - Members Excused

Messrs. Barrett, Beutler, Carsten, Nichol, Warner, and Wiitala asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Place LR 5 on General File

Miss Kilgarin renewed her pending motion found in the Journal on page 962.

Mr. Hoagland moved to extend the debate on LR 5 by 30 minutes.

Miss Kilgarin moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Miss Kilgarin requested a roll call vote on the Hoagland motion.

Voting in the affirmative, 26:

Beutler	Beyer	Chronister	Cullan	DeCamp

Doyle	Eret	Fenger	Fowler	Goll
Hannibal	Hoagland	Johnson, R.	Johnson, V.	Kilgarin
Landis	Lundy	Morehead	Newell	Pappas
Pirsch	Rupp	Schmit	Vickers	Wagner
Wesely				

Voting in the negative, 13:

Abboud	Clark	Hefner	Jacobson	Johnson, L.
Kahle	Lamb	Marsh	Peterson, H.	Peterson, R.
Remmers	Sieck	Von Minden		

Present and not voting, 1:

Goodrich

Excused and not voting, 9:

Barrett	Carsten	Chambers	Haberman	Higgins
Labedz	Nichol	Warner	Wiitala	

The Hoagland motion lost with 26 ayes, 13 nays, 1 present and not voting, and 9 excused and not voting.

Laid over.

The Chair declared the Call raised.

EXPLANATION OF VOTE

Had I been present on March 18, 1983, when the vote was taken on the adoption of the report of the Public Works Committee for the following Governor Appointments found in the Journal on page 915, I would have voted in the affirmative for the appointment of: Lou Lamberty, Director, State Engineer of the Department of Roads; George A. Miles - State Highway Commission; J. Michael Jess, Director of the Department of Water Resources.

(Signed) Tom Doyle

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 251A. By Fenger, 45th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 251, Eighty-eighth Legislature, First

Session, 1983.

UNANIMOUS CONSENT - Print in Journal

Mr. Fenger asked unanimous consent to print the following amendment to LB 251 in the Journal. No objections. So ordered.

AM0638
1. On page 39, strike beginning with the comma in line 19 through "V" in line 22 and insert "be converted to a Class IV license".

ANNOUNCEMENT

The Chair announced today is Senator H. Peterson's birthday.

GENERAL FILE

LEGISLATIVE BILL 571. Title read. Considered.

Standing Committee amendments, AM0377, found in the Journal on page 623 for the Thirty-First Day were adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

SPEAKER NICHOL PRESIDING

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

PRESIDENT MCGINLEY PRESIDING

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

Mr. V. Johnson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Beutler	Chambers	Cullan	DeCamp	Eret
Fowler	Hannibal	Higgins	Hoagland	Johnson, V.
Kahle	Kilgarin	Labedz	Landis	Lundy
Marsh	Morehead	Newell	Pappas	Rupp
Schmit	Sieck	Warner	Wesely	Wiitala

Voting in the negative, 22:

Abboud	Barrett	Carsten	Chronister	Clark
Fenger	Goll	Goodrich	Haberman	Hefner
Jacobson	Johnson, L.	Johnson, R.	Lamb	Nichol
Peterson, H.	Peterson, R.	Pirsch	Remmers	Vickers
Von Minden	Wagner			

Present and not voting, 2:

Beyer	Doyle

Advanced to E & R for Review with 25 ayes, 22 nays, and 2 present and not voting.

The Chair declared the Call raised.

Mr. Chronister asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 571A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 21 nays, 1 present and not voting, and 1 excused and not voting.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 140. Placed on General File.

LEGISLATIVE BILL 611. Indefinitely postponed.

(Signed) George Fenger, Chairperson

Agriculture and Environment

LEGISLATIVE BILL 505. Placed on General File.

LEGISLATIVE BILL 73. Placed on General File as amended.
Standing Committee amendments to LB 73:
AM0805

1. On page 8, line 27, delete the space between "(3)" and "(a)".

2. On page 9, line 3, strike "comission" and insert "commission"; and in line 20 strike "cut-off" and insert "cutoff".

3. Strike original section 5.

4. Renumber the remaining sections accordingly.

(Signed) Rex Haberman, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolutions: LR 37, LR 49, LR 50, and Governor's Appointment of Gary S. Goldberg.

LR	Committee
LR 37	Public Works
LR 49	Government, Military and Veterans Affairs
LR 50	Government, Military and Veterans Affairs

Agriculture and Environment
Gary S. Goldberg - Agricultural Products Industrial Utilization Committee

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LR 49	Thursday, April 7, 1983	7:00 p.m.
LR 50	Thursday, April 7, 1983	7:00 p.m.

(Signed) David Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 432. Title read. Considered.

Standing Committee amendment, AM0167, found in the Journal on page 714 for the Thirty-Sixth Day was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

VISITORS

Visitors to the Chamber were 12 members of the Board and Management staff of Loup Power District from Columbus; 27 fourth grade students, teacher, and sponsors from Lincoln Elementary School, Plattsmouth; 11 students and teachers from Kearney State

College; 18 students and sponsor from Shelby High School, Shelby; and Wales W. Mapata and H. K. Ngoma from the Public Service Commission, Malawi.

RECESS

At 12:01 p.m., on a motion by Mr. Clark, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m, President McGinley presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Beyer, Chambers, Fowler, Haberman, Kahle, Landis, R. Peterson, Sieck, Warner, Miss Kilgarin, and Mrs. Labedz who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 43. Considered.

Messrs. Hoagland, Lundy, Landis, and Nichol offered the following amendment:
AM0847
(Amendments to Standing Committee amendments, AM0549)

1. On page 2, line 3, strike beginning with "have" through "hold", show the old matter as stricken, and insert "are holding"; in line 4 strike "make" and insert "making" and strike "take", show as stricken, and insert "taking".

2. On page 3, line 4, strike the second "or" and show as stricken; and in line 6 after "misconduct" insert "; or (d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting".

3. On page 4, line 13, strike "or clandestine"; in line 14 strike "to"; and in line 15 strike "circumvent" and insert "for the purpose of circumventing".

4. On page 7, line 2, strike "television, photographic" and insert "televising, photographing"; in line 12 strike "attempt to circumvent" and insert "for the purpose of circumventing"; in line 13 strike "by

holding" and insert "hold"; and strike beginning with "take" in line 18 through "able" in line 20 and insert "make a reasonable effort to accomodate the public's right".

5. On page 8, line 5, strike "of any" and show as stricken; and in line 7 after "court" insert "if the suit is commenced within one hundred twenty days of the meeting of the public body in which the alleged violation occurred. Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in substantial violation of sections 79-327, 84-1408 to 84-1413, and 85-104 shall be voidable by the district court if the suit is commenced after one hundred twenty days but within one year of the meeting of the public body in which the alleged violation occurred".

The amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 454. Placed on Select File as amended.
E & R amendments to LB 454:
AM5066

1. On page 1, line 1, after "amend" insert "section 8-903, Reissue Revised Statutes of Nebraska, 1943, and "; in line 5 after the first semicolon insert "to authorize certain acquisitions by bank holding companies as prescribed;" and strike "section" and insert "sections".

2. In the Standing Committee amendment, page 1, line 6, after "15" insert ", show as stricken,".

3. Strike the DeCamp amendment on page 1046 of the Journal.

(Signed) Rod Johnson, Chairperson

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 490. Placed on General File as amended.
Standing Committee amendments to LB 490:
AM0827

1. On page 2, lines 2 and 13; page 6, lines 17, 25, and 27; page 7, lines 2 and 7; page 8, line 7; and page 9, line 3 strike "low income" and insert "low-income".

2. On page 3, line 13 and page 9, line 23, after "Act" insert ", 42 U.S.C. section 9901".

3. On page 2, line 10, strike "8" and insert "6"; in lines 23 and 25, strike "self"; in line 24 strike "help" and insert "self-help" and in line 26 strike "concept" and insert "self-concept" and strike "self help" and insert "self-help".

4. On page 3, strike beginning with "Members" in line 18 through "shall" in line 22 and insert "Each board shall be constituted so that one-third of the members of the board are elected public officials currently holding office or their representatives, one-third of the members are chosen in accordance with democratic selection procedures adequate to ensure that they are representatives of the poor in the area served, and one-third of the members".

5. Strike original sections 7, 9, 10, 14, 17, and 18.

6. On page 4, line 2, after the period insert "If a community action agency is in effect and currently serving an area, such agency shall become the designated community action agency for that area.".

7. Insert the following new section:

"Sec. 8. Community action agencies shall be awarded Community Service Block Grant Act, 42 U.S.C. section 9901, funds for implementation of this act from the Department of Social Services. Community action agencies shall receive at least ninety-five per cent of such funds awarded to the State of Nebraska for each federal fiscal year. The remaining funds shall be used for state administration expenses.".

8. On page 6, line 9, strike "one and five-year" and insert "one-year"; in line 10 after "budget" insert "and multi-year priorities"; strike beginning with the semicolon in line 19 through the period in line 21; and after line 21 insert:

"(5) Cooperate and assist other state and local governmental agencies and officials on matters

relating to the poor;

(6) Cooperate with similar offices, commissions, councils, or departments in the federal government and in other states;

(7) Adopt and promulgate rules, regulations, and bylaws to carry out the policies of this act; and

(8) Apply for grants, enter into contracts, accept gifts, grants, and federal funds, and do all things necessary and proper to discharge these powers and duties.".

9. On page 7, line 8, after the semicolon insert "and"; and strike beginning with the semicolon in line 12 through "act" in line 15.

10. On page 9, line 8, strike "low"; in line 9 strike "income" and insert "low-income"; in line 19 strike "Governor" and insert "the Department of Social Services"; in line 26 strike "subdivision (14) of" and strike "10" and insert "8"; and in line 27 strike beginning with "If" through "the".

11. On page 10, strike lines 1 through 3.

12. Renumber the remaining sections accordingly.

(Signed) George Fenger, Chairperson

UNANIMOUS CONSENT - Members Excused

Mrs. Higgins and Mr. Fowler asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 465. Title read. Considered.

Standing Committee amendments, AM0786, found in the Journal on page 1022 for the Forty-Seventh Day were considered.

Mr. DeCamp offered the following amendment to the Standing Committee amendments:

Strike lines 13-24 on page 4 of the committee amendment, and insert the following:

Notwithstanding subsection (1) of this section or section 79-801.02, no annexation by a city or village encompassed within any school district, which annexation occurs after the effective date of this act, but before September 1, 1984, shall operate to change any school district boundaries in the area annexed.

Mr. DeCamp asked unanimous consent to withdraw his pending

amendment. No objections. So ordered.

Mr. H. Peterson requested a ruling of the Chair on whether the Standing Committee amendments are germane to the bill.

The Chair ruled the Standing Committee amendments are germane to the bill.

Mr. H. Peterson moved that LB 465 as amended be referred to Education Committee for hearing.

SPEAKER NICHOL PRESIDING

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Cullan requested a record vote on the H. Peterson motion.

Voting in the affirmative, 8:

Chronister	Hefner	Jacobson	Johnson, L.	Johnson, V.
Labedz	Lundy	Peterson, H.		

Voting in the negative, 21:

Abboud	Beyer	Carsten	Cullan	Doyle
Eret	Fowler	Haberman	Hoagland	Johnson, R.
Kahle	Lamb	Landis	Morehead	Pappas
Remmers	Rupp	Sieck	Vickers	Wagner
Wiitala				

Present and not voting, 16:

Barrett	Beutler	Clark	DeCamp	Fenger
Goll	Goodrich	Hannibal	Marsh	Newell
Nichol	Peterson, R.	Pirsch	Schmit	Von Minden
Wesely				

Excused and not voting, 4:

Chambers	Higgins	Kilgarin	Warner

The H. Peterson motion lost with 8 ayes, 21 nays, 16 present and not voting, and 4 excused and not voting.

PRESIDENT MCGINLEY PRESIDING

Standing Committee amendments were adopted with 25 ayes, 3 nays, 17 present and not voting, and 4 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 587. Placed on General File.

LEGISLATIVE BILL 339. Indefinitely postponed.
LEGISLATIVE BILL 509. Indefinitely postponed.
LEGISLATIVE BILL 562. Indefinitely postponed.
LEGISLATIVE BILL 566. Indefinitely postponed.

(Signed) Rex Haberman, Chairperson

Education

LEGISLATIVE BILL 159. Placed on General File.

(Signed) Tom Vickers, Chairperson

NOTICE OF COMMITTEE HEARING
Agriculture and Environment

Governor's Appointments, Friday, March 25, 1983 1:15 p.m.
Michael M. Garwood, Environmental Control Council
William C. Peters, Environmental Control Council

(Signed) Rex Haberman, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Remmers asked unanimous consent to print the following amendment to LB 118 in the Journal. No objections. So ordered.

AM0856

1. Insert the following new section:

"Sec. 3. Any person who (1) was a prisoner of war held by a foreign nation or force in any international conflict involving United States military forces, (2) is a resident of this state, and (3) is the owner of a passenger automobile may, in addition to the application required by section 60-302, make application to the Department of Motor Vehicles for a set of license plates upon which shall be displayed the words EX-POW and such other letters or numbers as the Director of

Motor Vehicles may prescribe. Such plates shall be issued upon payment of the regular license fee and furnishing of proof from the United States government of status as a former prisoner of war. Only one such motor vehicle owned by an applicant shall be so registered at any one time.".

2. Renumber remaining section accordingly.

Mr. Sieck asked unanimous consent to print the following amendment to LB 560 in the Journal. No objections. So ordered.

AM0839

(Amendments to Standing Committee Amendments)

1. On page 1, line 1, before the period insert "; and in line 26 after 'facility' insert ', but shall not include a feedlot or other real or tangible personal property used for feeding livestock'".

Mr. Kahle asked unanimous consent to print the following amendment to LB 213 in the Journal. No objections. So ordered.

AM0864

1. Insert the following new section:

"Sec. 18. That section 53-160, Revised Statutes Supplement, 1982, be amended to read as follows:

53-160. For the purpose of raising revenue a tax is imposed upon the privilege of engaging in business as a manufacturer or as a distributor at wholesale at a rate of ~~fourteen~~ twenty-five cents per gallon on all beer, regardless of alcoholic content; sixty-five cents per gallon for wine containing fourteen per cent or less of alcohol by volume and one dollar and twenty-five cents per gallon for wines and other dilute alcoholic beverages containing more than fourteen per cent of alcohol by volume; and two dollars and seventy-five cents per gallon on alcohol and spirits manufactured and sold by such manufacturer or imported for sale in this state by such distributor at wholesale in the course of such business; PROVIDED, manufacturers or distributors at wholesale of alcoholic liquors shall be exempt from the payment of such gallonage tax imposed on such liquors, upon satisfactory proof, including bills of lading furnished to the commission by affidavit or otherwise as the commission may require, that such liquors were manufactured in this state but were shipped out of the state for sale and consumption outside the State of Nebraska; AND PROVIDED FURTHER, that dry wines

or fortified wines manufactured or imported solely and exclusively for sacramental purposes and uses shall not be subject to the tax provided in this section. This tax is not imposed upon any alcoholic liquor, whether manufactured in or imported into this state when sold to a nonbeverage user, as defined in section 53-103, licensed by the state for use in the manufacture of any of the following when they are unfit for beverage purposes: Patent and proprietary medicines and medicinal, antiseptic, and toilet preparations; flavoring extracts and syrups and food products; scientific, industrial, and chemical products, excepting denatured alcohol; or for scientific, chemical, experimental, or mechanical purposes; nor is the tax imposed upon the privilege of engaging in any business in interstate commerce or otherwise, which business may not, under the Constitution and statutes of the United States, be made the subject of taxation by this state. The tax herein imposed shall be in addition to all other occupation or privilege taxes imposed by the State of Nebraska or by any municipal corporation or political subdivision thereof; PROVIDED, notwithstanding any ordinance or charter power to the contrary, no city or village shall impose an occupation tax on the business of any person, firm, or corporation licensed under this act and doing business within the boundaries of such city or village in any sum which exceeds double the amount of the license fee required to be paid under this act to obtain such license. The commission is hereby directed and authorized to collect the taxes herein imposed, and to account for and turn over to the State Treasurer at least once each week all money collected as herein provided. If any alcoholic liquor manufactured in or imported into this state is sold to a licensed manufacturer or distributor of this state to be used solely as an ingredient in the manufacture of any beverage for human consumption, the tax imposed upon such manufacturer or distributor shall be reduced by the amount of the taxes which have been paid as to such alcoholic liquor so used under this act. The net proceeds of all revenue arising hereunder shall inure to the state General Fund.".

2. On page 55, line 25, after "53-135.01," insert "53-160,".

3. Renumber remaining sections accordingly.

Mr. Carsten asked unanimous consent to print the following amendment to LB 302 in the Journal. No objections. So ordered.

AM0828

1. Insert new sections as follows:

"Section 1. That section 60-301, Revised Statutes Supplement, 1982, be amended to read as follows:

60-301. As used in sections 60-301 to 60-344, unless the context otherwise requires:

(1) Motor vehicles shall include all vehicles propelled by any power other than muscular power, except mopeds, farm tractors, self-propelled equipment designed and used exclusively to carry and apply fertilizer, chemicals, or related products to agricultural soil and crops, and other implements of husbandry designed for and used primarily for tilling the soil and harvesting crops or feeding livestock, vehicles which run only on rails or tracks, off-road designed vehicles, including but not limited to golf carts, go-carts, riding lawnmowers, garden tractors, all terrain vehicles, snowmobiles, and minibikes, and road and general purpose construction and maintenance machinery not designed or used primarily for the transportation of persons or property, including, but not limited to, ditch-digging apparatus, asphalt spreaders, bucket loaders, leveling graders, earthmoving carryalls, power shovels, earthmoving equipment, crawler tractors, and self-propelled invalid chairs;

(2) Highways shall include public streets, roads, turnpikes, parks, parkways, drives, alleys, and other public ways used for the passage of road vehicles;

(3) Trucks shall include motor vehicles equipped or used for the transportation of property;

(4) Trailer shall include every vehicle without motor power carrying persons or property and being pulled by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle;

(5) Semitrailer shall mean every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle;

(6) Cabin trailer shall mean every vehicle without motive power designed for living quarters and for being drawn by a motor vehicle, and not exceeding eight feet in width, or forty feet in length, or thirteen and one half feet in height;

(7) Truck-tractor shall mean every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load

other than a part of the weight of the vehicle and load being drawn;

(8) Owner shall mean a person, firm, or corporation who holds a legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the event while a vehicle is subject to a lease of thirty days or more with an immediate right of possession vested in the lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee, lessee, or mortgagor shall be deemed the owner for the purpose of sections 60-301 to 60-344. For the purpose of sections 60-301 to 60-344, there are hereby adopted and incorporated by reference the provisions of Article XI, International Registration Plan, adopted by the American Association of Motor Vehicle Administrators, as revised November, 1976;

(9) Vehicle shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved solely by human power or used exclusively upon stationary rails or tracks;

(10) Fleet shall include one or more apportionable vehicles;

(11) Transporter shall mean every person lawfully engaged in the business of transporting vehicles, not his or her own, by driving singly, or in combinations by the towbar, fullmount or saddlemount methods, or any combinations thereof, or where a truck or tractor draws a semitrailer or tows a trailer, solely for delivery thereof;

(12) Self-propelled mobile home shall mean a vehicle with motive power designed for living quarters;

(13) Total fleet miles shall mean the total number of miles operated in all jurisdictions during the preceding year by the vehicles in such fleet during such year;

(14) In-state miles shall mean total miles operated (a) in the State of Nebraska during the preceding year by the motor vehicle or vehicles registered and licensed for fleet operation, and (b) in noncontracting reciprocity states by vehicles that are base-plated in Nebraska;

(15) Local trucks shall mean trucks having a gross weight of less than twenty-five tons and operated

wholly and exclusively within an incorporated city or village, or within ten miles of the corporate limits, where they are owned and operated, which trucks shall carry on their license plates, in addition to the registration number, designation of local plate;

(16) Farm trucks shall mean trucks of farmers or ranchers, used wholly and exclusively to carry their own supplies, farm equipment, and household goods to or from the owner's farm or ranch, used by the farmer or rancher to carry his or her own agricultural products, livestock, and produce, to or from storage or market, or used by farmers or ranchers in exchange of service in such hauling of such supplies or agricultural products, livestock, and produce, or used occasionally to carry camper units, which trucks shall carry on their license plates, in addition to the registration number, the designation farm;

(17) Agricultural products shall mean field crops, horticultural, viticultural, forestry, nut, dairy, livestock, poultry, bee, and farm products, including sod grown on the land owned or rented by the farmer, and the byproducts derived from any of them;

(18) Utility trailer shall mean a trailer having a gross weight, including load thereon, of nine thousand pounds or less, attached to a motor vehicle and used wholly and exclusively to carry miscellaneous items of personal property, which trailers shall carry on their license plate, in addition to the registration number, the letter X;

(19) Local commercial truck shall mean a truck and combinations of trucks, truck-tractors, or trailers, or semitrailers having a gross weight of twenty-five tons or more and operated solely within an incorporated city or village, or within five miles of the corporate limits, which trucks shall carry on their license plates in addition to the registration number, the letters LC;

(20) Farm trailer shall include any trailer or semitrailer used wholly and exclusively to carry a farmer's or rancher's own supplies, farm equipment, and household goods to or from the owner's farm or ranch, or used by the farmer or rancher to carry his or her own agricultural products, livestock, and produce to or from storage and market, and attached to a passenger car or farm licensed vehicle, or used by a farmer or rancher to carry his or her own agricultural products, livestock, and produce to and from market, which trailers shall carry on their license plate in addition to the registration number, the letter X, but farm trailer

shall not include a trailer so used when attached to a farm tractor;

(21) Motorcycle shall mean every motor vehicle, except a tractor, having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground;

(22) Fertilizer trailer shall mean any trailer designed and used exclusively to carry or apply agricultural fertilizer and having a gross weight including load thereon of twenty thousand pounds or less, which trailers shall carry on their license plate in addition to the registration number, the letter X;

(23) Apportionable vehicle shall mean any vehicle used in two or more jurisdictions that allocate or proportionally register vehicles and are used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property, except that such term shall not include any recreational vehicle, vehicle displaying restricted plates, vehicle not required to be licensed as a commercial vehicle, bus used in the transportation of chartered parties, or government-owned vehicle. Such vehicle shall either (a) have a gross vehicle weight in excess of twenty-six thousand pounds, (b) have three or more axles, regardless of weight, or (c) be used in combination when the weight of such combination exceeds twenty-six thousand pounds gross vehicle weight. Vehicles, or combinations thereof, having a gross vehicle weight of twenty-six thousand pounds or less and two-axle vehicles may be proportionally registered at the option of the registrant;

(24) Noncontracting reciprocity state shall mean any state which is not a party to any type of contracting agreement between the State of Nebraska and one or more other jurisdictions for registration purposes on commercial vehicles, and does not require as a condition to operate on the highways of that state (a) any type of vehicle registration or allocation of vehicles for registration purposes, or (b) does not impose any charges based on miles operated, other than those that might be assessed against fuel consumed in that state, on any vehicles which are part of a Nebraska-based fleet;

(25) Passenger car shall mean a motor vehicle designed and used to carry ten passengers or less and not used for hire;

(26) Moped shall mean a bicycle with fully operative pedals for propulsion by human power, an

automatic transmission, and a motor with a cylinder capacity not exceeding fifty cubic centimeters, which produces no more than two brake horsepower and is capable of propelling the bicycle at a maximum design speed of no more than thirty miles per hour on level ground; and

(27) Minibike shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than fourteen inches, or an engine-rated capacity of less than forty-five cubic centimeters displacement.

Sec. 6. That section 66-601, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-601. The purpose of sections 66-601 to 66-640 is to supplement the provisions of the tax upon motor vehicle fuel set forth in Chapter 66, article 4, by imposing a tax upon the receipt, delivery, or placing into the fuel supply tanks of motor vehicles, ~~as defined in section 66-401,~~ which are within this state, of all fuels not taxed under the provisions of Chapter 66, article 4.".

2. On page 10, line 6, strike "9 to 18" and insert "12 to 19".

3. On page 11, line 5, strike "9 to 18" and insert "12 to 19"; in line 8 strike "12" and insert "15"; and in line 16, strike "9" and insert "12".

4. On page 12, line 14, strike "9" and insert "12".

5. On page 14, line 21, strike "12" and insert "15".

6. On page 15, line 7, strike "9 to 17" and insert "12 to 19".

7. On page 15, line 11, after "66-466," insert "66-601,"; and in line 12 strike "section" and insert "sections 60-301 and".

8. Renumber remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 465. Mr. Vickers asked unanimous consent to withdraw his pending amendment, AM0572, found in the Journal on page 772. No objections. So ordered.

Mr. DeCamp offered the following amendment:

Strike lines 13-24 on page 4 of the committee amendments and insert the following:

Notwithstanding subsection (1) of this section or section 79-801.02, no annexation by a city or village encompassed within any

school district, which annexation occurs after the effective date of this act, but before September 1, 1984, shall operate to change any school district boundaries, including elections relating thereto, in the area annexed. Provided however, that nothing in this act shall prevent the boards of education of all the school districts affected by such annexation by a majority vote of the members of all such boards from entering into an agreement between all such districts concerning any boundary changes. For annexations occurring after September 1, 1984, the provisions of this subsection shall be repealed.

Mr. Doyle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The DeCamp amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 432. Considered.

Mr. Newell offered the following amendment:

Amend the Committee amendments to LB 432, on line 8, after "both," insert: "and he or she earns wages payable to him or her for such work,"

The amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 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 27 ayes, 8 nays, 13 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Messrs. Beutler and DeCamp asked unanimous consent to be excused until they return. No objections. So ordered.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 621. Placed on General File as amended.
Standing Committee amendments to LB 621:
AM0838

1. On page 2, strike lines 10 through 15.

2. On page 4, after line 6, insert "Claim No. 007, against the Military Department and the State Board of Agriculture, pay to the City of Lincoln, 555 South 10th Street, Lincoln, Nebraska, 68508, out of the General Fund 14,391.78".

LEGISLATIVE BILL 567. Indefinitely postponed.
LEGISLATIVE BILL 622. Indefinitely postponed.

(Signed) Bill Barrett, Chairperson

MOTION - Reconsider Action on LB 325

Mr. Fowler moved to reconsider the motion to indefinitely postpone LB 325.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Doyle asked unanimous consent to print the following amendments to LB 193 in the Journal. No objections. So ordered.

AM0808

1. Strike the V. Johnson amendment found on page 434 of the Journal.

2. Insert the following new sections:

"Sec. 3. That section 77-626, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-626. The State Board of Equalization and Assessment shall ascertain from the statements made under sections 77-624 and 77-625, the number of cars required to make the total mileage in this state of the cars of each car company, mercantile or other company, or corporation, within the period of one year. The board shall ascertain and fix the valuation upon each particular class of cars, which as nearly as possible, shall be the actual value of such cars; and the number so ascertained shall be assessed to the respective car company, mercantile or other company, firm, or individual. For the purpose of making the assessment, the board is authorized to base the assessment upon the statements of the several railroad companies. If the allocation in accordance with the provisions of this section does not equitably represent the proportion of cars properly allocated to this state, the taxpayer may petition for or the board may employ another method to

effectuate an equitable allocation of the taxpayer's cars to this state for purposes of taxation.".

3. On page 1, line 1, strike ", 77-625" and insert "to 77-626"; in line 6 after the first semicolon insert "to change a provision relating to tax assessments of car companies;".

4. On page 2, line 20, strike "and" and show as stricken, and after "(3)" insert "the average number of miles traveled per day by the cars of each class covered by the statement in the ordinary course of business during the year, and (4)".

5. On page 8, line 26, strike ", 77-625" and insert "to 77-626".

6. Renumber the remaining sections accordingly.

AM0842

1. Insert the following new sections:

"Sec. 12. (1) When any demand to refund property taxes paid is made upon the Tax Commissioner, the Tax Commissioner shall immediately transmit a copy of such demand along with the Tax Commissioner's recommendatin to the State Board of Equalization and Assessment, who shall approve the refund if the board finds the tax or a part of such tax to be invalid for any reason. Upon approval of the refund, the Tax Commissioner shall cause a refund to be paid from the fund to which the tax was originally deposited. If there are insufficient funds available at such time, the taxpayer shall be allowed a credit against the subsequent year's taxes. If the taxpayer does not have a tax liability in such subsequent year, or if the liability does not exceed the amount of the refund, then a refund of the balance shall be paid as soon as sufficient funds have been deposited into the fund.

(2) The State Board of Equalization and Assessment shall make its determination within one hundred twenty days of filing the claim for a refund. Such claim for a refund shall be considered a contested case pursuant to Chapter 84, article 9.

(3) If the refund claim is denied in whole or part, the taxpayer may appeal to the District Court pursuant to the provisions of Chapter 84, article 9. If, at the trial, it shall be determined that such tax or any part of such tax was invalid, judgment shall be rendered in the amount of the refund claim with interest and such judgment shall be collected as in other cases.

Sec. 13. If a person pays property tax or

makes payments in lieu of tax with respect to property, or any part of such tax, because of a clerical error, misunderstanding, or honest mistake or if the payment of such tax is invalid for any reason, such person may, within two years of the date such taxes were due, present to the Tax Commissioner a written demand for a refund or return of such payment.

Sec. 14. If a judgment or final court order as described in section 77-1736.04 affects any property taxes collected by the Tax Commissioner, then for the purposes of such taxes, the provisions of section 77-1736.04 shall apply, except that the Tax Commissioner shall perform the functions of the county assessor and county treasurer and the State Board of Equalization and Assessment shall perform the functions of the county board.".

2. On page 1, line 6, after the first semicolon insert "to provide certain property tax refund procedures;".

3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 96. Title read. Considered.

Standing Committee amendment, AM0100, found in the Journal on page 819 for the Fortieth Day was considered.

Mr. Warner offered the following amendment to the Standing Committee amendment:
AM0757
(Amendments to Standing Committee Amendments, AM0100)

1. On page 1, line 11, after "1993" insert ", and the total amount paid from the effective date of this act until July 1, 1993, including any federal aid funds, shall not exceed five million dollars".

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. L. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 13 ayes, 4 nays, and 32 not voting.

The Warner amendment to the Standing Committee amendment was adopted with 19 ayes, 3 nays, 24 present and not voting, and 3 excused and not voting.

Mr. Chambers offered the following amendment to the Standing Committee amendment:

Line 11: Strike "1993", insert "1990"

Mr. Chambers moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Beutler	Chambers	Fowler	Haberman	Johnson, V.
Landis	Marsh	Nichol	Pappas	Rupp
Schmit	Sieck	Vickers		

Voting in the negative, 25:

Abboud	Beyer	Carsten	Clark	Cullan
Doyle	Fenger	Goll	Goodrich	Hefner
Hoagland	Jacobson	Johnson, L.	Kahle	Kilgarin
Labedz	Lamb	Lundy	Newell	Peterson, R.
Pirsch	Remmers	Von Minden	Wagner	Warner

Present and not voting, 8:

Barrett	Chronister	Eret	Hannibal	Higgins
Johnson, R.	Morehead	Wesely		

Absent and not voting, 1:

Peterson, H.

Excused and not voting, 2:

DeCamp Wiitala

The Chambers amendment lost with 13 ayes, 25 nays, 8 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Messrs. Fowler, Rupp, and Haberman asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers requested a record vote on the Standing Committee amendment.

Voting in the affirmative, 29:

Barrett	Beyer	Carsten	Chronister	Clark
Cullan	Doyle	Fenger	Goodrich	Hefner
Hoagland	Jacobson	Johnson, L.	Johnson, V.	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Newell	Nichol	Pirsch	Remmers	Schmit
Sieck	Wagner	Warner	Wesely	

Voting in the negative, 2:

Chambers	Pappas

Present and not voting, 13:

Abboud	Beutler	Eret	Goll	Hannibal
Higgins	Johnson, R.	Kahle	Morehead	Peterson, H.
Peterson, R.	Vickers	Von Minden		

Excused and not voting, 5:

DeCamp	Fowler	Haberman	Rupp	Wiitala

Standing Committee amendment, as amended, was adopted with 29 ayes, 2 nays, 13 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 302 in the Journal. No objections. So ordered.

AM0862

1. In the Standing Committee amendments, on page 1, line 18, strike "(6)" and insert "(16)".

2. On page 8, line 26, before "If" insert "(1)".

3. On page 9, lines 5 through 7, reinstate the stricken matter; in line 5 after "He" insert "or she"; in line 7 after "penalty" insert "and interest provided in section 66-621.", and before "If" insert "(2)" and begin a new paragraph; and in line 14 strike "section" and insert "subsection".

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 269 in the Journal. No objections. So ordered.

AM0843

1. On page 2, lines 13, 18, and 19, strike "eight" and insert "five".

Mrs. Labedz asked unanimous consent to print the following amendment to LB 170 in the Journal. No objections. So ordered.

AM0865
(Amendments to Standing Committee Amendments AM0577)
1. On page 1, line 16, strike "(1)" and insert "(a)"; and strike beginning with the comma in line 18 through "(3)" in line 19 and insert "or (b)".
2. On page 2, line 4, after the underscored period insert "The applicant shall be a bona fide farmer or rancher with respect to each tract or parcel of land upon which the applicant proposes to harvest deer, antelope, or wild turkey.".

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LR 49	Thursday, April 7, 1983 (Cancelled)	7:00 p.m.
LR 50	Thursday, April 7, 1983 (Cancelled)	7:00 p.m.

(Signed) David Landis, Chairperson

EXPLANATION OF VOTE

Had I been present on the Forty-Eighth Day, I would have voted no on LB 269 and 269A, yes on LB 325, and on the motion, Shall the Chair be overruled, I would have voted no.

(Signed) Rex Haberman

MOTION - Suspend Rules

Mr. Warner moved to suspend Rule 8, Section 4 so as to defer consideration of LR 47 until such time as the Speaker determines.

Laid over.

MOTION - Place LB 611 on General File

Mr. Warner moved to place LB 611 on General File notwithstanding the committee's action, pursuant to Rule 3, Section 16.

Laid over.

UNANIMOUS CONSENT - Printing of LB 209

Mr. Goodrich asked unanimous consent to hold up the printing of LB 209 on Final Reading. No objections. So ordered.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 198. Placed on General File as amended.
Standing Committee amendments to LB 198:
AM0826

1. Strike original section 12 and insert the following new section:

"Sec. 20. That section 46-544, Revised Statutes Supplement, 1982, be amended to read as follows:

46-544. If the board of a reclamation district shall determine~~,~~ in any year~~,~~ that there are certain lands within the ~~said~~ district, not included within Classes B, C, and D, ~~as hereinafter provided,~~ which receive special direct benefits from recharging of the ground water reservoirs by water originating from district works, ~~then in such case~~ the board shall in such year fix an amount to be levied upon such tangible property which in the opinion of the board will compensate the district for the special direct benefits accruing to such tangible property by reason of recharged ground water reservoirs under such land by water originating from the district works. Such amount shall in no case exceed, together with all other amounts levied made under Class A, on such land the sum of fourteen cents on each one hundred dollars of the actual valuation of the ~~said~~ land. Such owner of lands specially assessed for special direct benefits shall have notice, hearing, and the right of appeal and shall be governed by the provision of section 46-554.

The authority provided in this section may not be used if the district has obtained approval to levy fees or assessments pursuant to section 14 of this act.".

2. On page 3, line 12, after "of" insert "future".

3. On page 4, line 6, strike the last "or"; in line 7 strike "incidental"; in line 8 strike "18" and insert "19"; in line 10 after "sections" insert "1, 2,"; and in line 11 strike "21" and insert "19".

4. On page 8, line 23, after "5" insert "or 11".

5. On page 18, line 6, strike "or" and after "46-241" insert ", or 46-242 or section 11 of this act"; in line 7 strike "15" and insert "14"; in line 10 after "against" insert "any"; in line 18 after "costs" insert "of the project"; and in lines 22 and 27 strike "or 13".

6. On page 19, in lines 12 and 22, strike "or 13"; and strike lines 13 to 20.

7. On page 20, in lines 5 and 24, strike "15" and insert "14"; and in line 17 strike "16 or 17" and insert "15 or 16".

8. On page 21, line 3, strike "15" and insert "14"; and in line 19 strike the second "and" and insert a comma, and after "46-202," insert "and 46-544,".

9. Renumber original sections 13 to 20 as sections 12 to 19 respectively.

(Signed) Loran Schmit, Chairperson

Education

LEGISLATIVE BILL 533. Indefinitely postponed.

(Signed) Tom Vickers, Chairperson

VISITORS

Visitors to the Chamber were members of the League of Women Voters from around the State; and Norma Johnson from Kearney.

ADJOURNMENT

At 4:49 p.m., on a motion by Mr. Sieck, the Legislature adjourned until 9:00 a.m., Wednesday, March 23, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTIETH DAY - MARCH 23, 1983

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 23, 1983

Pursuant to adjournment, the Legislature met at 9:02 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Major Tolleruo, Salvation Army Chaplain, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beyer and Hoagland who were excused; and Messrs. Carsten, Chambers, Hefner, V. Johnson, Wagner, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1079, line 26, strike "LR 47" and insert "LR 48".
The Journal for the Forty-Ninth Day was approved as corrected.

ATTORNEY GENERAL'S OPINION

Opinion No. 55

Dear Senator Beutler:

You have requested that we express an opinion as to whether an amendment to recently enacted LB 182 is necessary in order to authorize the State Real Estate Commission to make reciprocal agreements with other states for licensing of non-residents.

The language pertaining to reciprocal agreements for non-resident licenses is substantially the same language that was in the prior Nebraska act until 1980. Under the statutes prior to the 1980 amendment the Commission regularly issued non-resident licenses pursuant to reciprocal agreements made by the Commission.

The matter that has been returned to the Real Estate Licensing Act is primarily in Section 81-885.17. That section, as amended provides that a non-resident who maintains a place of business in his or her state of residence may, in the discretion of the Commission, be issued a non-resident brokers license if such other state has entered into a reciprocal agreement with the Commission in regard to issuance of reciprocal licenses. (81-885.17) (1) (a). Other provisions of that section deal with a non-resident maintaining a place of business in the state under a reciprocal agreement.

Agencies of state government have only such authority to act as is specifically given by statute, or as is necessarily implied from the clear language of a statute.

We are of the opinion that the authority to make reciprocal agreements for licensing non-residents is, in this instance, necessarily implied from the clear language of the act, and that further amendment is not necessary to accomplish the objective.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Richard H. Williams
Special Assistant
Attorney General

RHW:sh
cc: Paul Quinlan, Director
State Real Estate Commission
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 119, 137, 230, 374, and 594.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 137

The following changes, required to be reported for publication in the Journal, have been made:
ER0025

1. On page 1, line 3, ", and section 30-2488, Revised Statutes Supplement, 1982" has been inserted after "1943"; and in line 4 after the semicolon "to provide procedures; to change provisions relating to claims against a decedent's estate;".

2. In the Abboud amendment, AM0367, page 1, line 2, "3" has been stricken and "4" inserted.

3. Original section 3 has been renumbered as section 5.

Enrollment and Review Change to LB 230

The following changes, required to be reported for publication in the Journal, have been made:
ER0027
1. The E & R amendment 3 has been stricken.

(Signed) Tristi J. Wilson
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 90 in the Journal. No objections. So ordered.

AM0855
(Amendments to Final Reading Copy)
1. On page 2, lines 17 and 27; and on page 3, line 5, strike "Unknown".

UNANIMOUS CONSENT - Add Co-Introducer

Mr. DeCamp asked unanimous consent to have his name added as co-introducer to LB 371. No objections. So ordered.

MOTION - Suspend Rules

Mr. Warner renewed his pending motion found in the Journal on page 1079 to suspend Rule 8 Section 4 so as to defer consideration of LR 48 until such time as the Speaker determines.

The motion prevailed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

MOTION - Approve Appointments

Mr. Haberman moved the adoption of the report of the Agriculture and Environment Committee for the following Governor appointment found in the Journal on page 1019: Robert Raun - Director, Department of Agriculture.

Voting in the affirmative, 30:

Abboud	Barrett	Beutler	Chronister	Clark
Cullan	DeCamp	Doyle	Eret	Fenger
Fowler	Goodrich	Haberman	Hannibal	Jacobson
Kahle	Lundy	Marsh	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Sieck	Warner	Wesely	Wiitala

Voting in the negative, 0.

Present and not voting, 12:

Goll	Higgins	Johnson, L.	Johnson, R.	Labedz
Lamb	Landis	Rupp	Schmit	Vickers
Von Minden	Wagner			

Excused and not voting, 7:

Beyer	Carsten	Chambers	Hefner	Hoagland
Johnson, V.	Kilgarin			

The appointment was confirmed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Hefner moved the adoption of the report of the Miscellaneous Subjects Committee for the following Governor appointments found in the Journal on page 1039: Lucy Buntain - Nebraska Arts Council, Virginia Parker - Nebraska Arts Council.

Voting in the affirmative, 34:

Barrett	Carsten	Chronister	Clark	DeCamp
Doyle	Eret	Fenger	Fowler	Goodrich
Haberman	Hannibal	Jacobson	Johnson, L.	Johnson, R.
Kahle	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Sieck
Von Minden	Warner	Wesely	Wiitala	

Voting in the negative, 0.

Present and not voting, 9:

Abboud	Beutler	Cullan	Goll	Higgins
Labedz	Schmit	Vickers	Wagner	

Excused and not voting, 6:

Beyer	Chambers	Hefner	Hoagland	Johnson, V.

Kilgarin

The appointments were confirmed with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Mr. Schmit moved the adoption of the report of the Public Works Committee for the following Governor appointments found in the Journal on page 1041: Board of Public Roads Classifications & Standards: Vera Christensen, Heasty W. Reesman, Marvin S. Athey, William D. Lindholm, Richard A. Erixson. Motor Vehicle Industry Licensing Board: Ted C. Cannon, Roger Cross, Donald Beltz, Darrell E. Barnes, Robert F. Borgmann.

Voting in the affirmative, 37:

Barrett	Carsten	Chronister	Clark	Cullan
DeCamp	Doyle	Eret	Fenger	Fowler
Goodrich	Haberman	Hannibal	Jacobson	Johnson, L.
Johnson, R.	Kahle	Lamb	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Sieck	Von Minden	Wagner	Warner
Wesely	Wiitala			

Voting in the negative, 0.

Present and not voting, 6:

Abboud	Beutler	Goll	Higgins	Labedz
Vickers				

Excused and not voting, 6:

Beyer	Chambers	Hefner	Hoagland	Johnson, V.
Kilgarin				

The appointments were confirmed with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Mr. Von Minden asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis moved the adoption of the report of the Government, Military & Veterans Affairs Committee for the following Governor appointments found in the Journal on page 1016: Forrest D. Chapman - Director, Department of Personnel, David R. Flebbe - State Personnel Board, Bruce H. Peters - State Personnel Board.

Voting in the affirmative, 29:

Barrett	Carsten	Clark	Cullan	DeCamp
Doyle	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hannibal	Jacobson	Johnson, L.
Kahle	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Pirsch
Remmers	Sieck	Warner	Wesely	

Voting in the negative, 0.

Present and not voting, 13:

Abboud	Beutler	Chronister	Higgins	Johnson, R.
Labedz	Lamb	Peterson, R.	Rupp	Schmit
Vickers	Wagner	Wiitala		

Excused and not voting, 7:

Beyer	Chambers	Hefner	Hoagland	Johnson, V.
Kilgarin	Von Minden			

The appointments were confirmed with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 454. E & R amendments, AM5066, found in the Journal on page 1061 for the Forty-Ninth Day were adopted.

Mr. Landis requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 11 nays, 7 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 252. E & R amendments, AM5064, found in the Journal on page 1029 for the Forty-Eighth Day were adopted.

Mr. Schmit offered the following amendment:

1. In the R. Johnson - Schmit Amendment AM0608 commencing on page 996 of the Journal, on page 2, lines 1,7,10,11,13, and 16 strike the new matter and reinstate the stricken matter.

The amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Messrs. Schmit and R. Johnson renewed their pending amendment, AM0608, found in the Journal on page 996.

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 78. E & R amendment found in the Journal on page 1030 for the Forty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 270. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 169. Mr. H. Peterson renewed his pending motion found in the Journal on page 1001 to indefinitely postpone.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 11 ayes, 19 nays, and 19 not voting.

Mr. H. Peterson moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. H. Peterson requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 16:

Abboud	Barrett	Carsten	Clark	Fenger
Goll	Hannibal	Jacobson	Johnson, L.	Lamb
Peterson, H.	Peterson, R.	Pirsch	Remmers	Von Minden
Warner				

Voting in the negative, 28:

Beutler	Cullan	DeCamp	Doyle	Eret
Fowler	Goodrich	Haberman	Higgins	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Rupp	Schmit	Sieck	Vickers
Wagner	Wesely	Wiitala		

Present and not voting, 2:

Chambers Chronister

Excused and not voting, 3:

Beyer Hefner Hoagland

The H. Peterson motion to indefinitely postpone lost with 16 ayes, 28 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 118 in the Journal. No objections. So ordered.

AM0870

1. In the Standing Committee Amendments: (a) Strike amendments 1 and 2; (b) strike beginning with "strike" in line 17 through "and" in line 19; (c) in line 21 strike "two dollars" and insert "one dollar"; and (d) renumber amendment 3 as amendment 1.

2. On page 2, strike beginning with "Each" in line 15 through the period in line 23 and show as stricken; in line 24 strike "who"; in line 25 strike the new matter; and strike beginning with "material" in line 26 through line 27, show as stricken, and insert "materials pursuant to sections 81-145 to 81-163.01."

3. On page 3, strike line 1 and show as stricken; and in line 3 strike "six", show as stricken, and insert "four".

MOTION - Place LB 533 on General File

Messrs. DeCamp and Haberman moved that LB 533 be placed on General File notwithstanding the Committee's action, pursuant to Rule 3, Section 16.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 204A. Placed on Select File.
LEGISLATIVE BILL 302A. Placed on Select File.
LEGISLATIVE BILL 573A. Placed on Select File.
LEGISLATIVE BILL 579A. Placed on Select File.

(Signed) Rod Johnson, Chairperson

SELECT FILE

LEGISLATIVE BILL 169. Mr. Wagner offered the following amendment:

In the Newell amendment, line 5, strike "permanently" and insert "permanent rates are"

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. H. Peterson offered the following amendment:

Add a new paragraph (g) under 77-2715.01 (1) to place the revenue department under the supervision of the revenue committee of the legislature in order to carry out the intent of this act.

The H. Peterson amendment lost with 12 ayes, 15 nays, 19 present and not voting, and 3 excused and not voting.

Mr. H. Peterson moved for a Call of the House. The motion prevailed with 23 ayes, 3 nays, and 23 not voting.

Mr. H. Peterson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 27:

Beutler	Chambers	Cullan	DeCamp	Doyle
Eret	Fowler	Goodrich	Haberman	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Rupp	Schmit	Sieck	Vickers
Wesely	Wiitala			

Voting in the negative, 18:

Abboud	Barrett	Carsten	Chronister	Clark
Fenger	Goll	Hannibal	Jacobson	Johnson, L.
Lamb	Peterson, H.	Peterson, R.	Pirsch	Remmers
Von Minden	Wagner	Warner		

Present and not voting, 1:

Higgins

Excused and not voting, 3:

Beyer	Hefner	Hoagland

Advanced to E & R for Engrossment with 27 ayes, 18 nays, 1 present and not voting, and 3 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 302. Mr. Carsten renewed his pending amendment, AM0828, found in the Journal on page 1067.

The amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. V. Johnson renewed his pending amendment, AM0862, found in the Journal on page 1078.

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Sieck requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

EXPLANATION OF VOTE

It was my intention to vote "aye" on the vote to advance LB 169.

(Signed) Donald Wagner

SPEAKER NICHOL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 96. Considered.

Mr. Chambers offered the following amendment:
Strike emergency clause

Messrs. Lamb, DeCamp, R. Peterson, and Mrs. Higgins asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT MCGINLEY PRESIDING

Mr. Chambers moved for a Call of the House. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Barrett	Beutler	Carsten	Chambers	Eret
Fowler	Johnson, R.	Landis	Marsh	Nichol
Schmit	Sieck	Vickers	Wesely	

Voting in the negative, 25:

Abboud	Chronister	Clark	Cullan	Doyle
Fenger	Goodrich	Haberman	Hefner	Higgins
Jacobson	Johnson, L.	Johnson, V.	Kahle	Kilgarin
Labedz	Lundy	Newell	Pappas	Peterson, H.
Pirsch	Remmers	Von Minden	Wagner	Warner

Present and not voting, 5:

Goll	Hannibal	Morehead	Rupp	Wiitala

Excused and not voting, 5:

Beyer	DeCamp	Hoagland	Lamb	Peterson, R.

The Chambers amendment lost with 14 ayes, 25 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Pending.

STANDING COMMITTEE REPORTS
Judiciary

The following Gubernatorial Appointments have been approved by the Judiciary Committee. The Committee recommends that the appointments be confirmed by the Legislature and suggests a record vote.

Colonel E. J. Kohmetscher - Superintendent Nebraska State Patrol. Hearing Date 3-14-83. Voting Yes were Senators Beutler, Chambers, Chronister, Jacobson, R. Johnson, and Von Minden. Voting No: none. Not Voting: none. Absent were Senators Abboud and Pirsch.

Marj Marlette - Nebraska Board of Parole. Hearing Date 3-15-83. Voting Yes were Senators Beutler, Chronister, Jacobson, R. Johnson, and Von Minden. Voting No: none. Not Voting: Senator Chambers. Absent were Senators Abboud and Pirsch.

Charles Benson - Director of the Nebraska Department of Corrections. Hearing Date 3-16-83. Voting Yes were Senators Abboud, Beutler, Chambers, Jacobson, R. Johnson, and Von Minden. Voting No: none. Not Voting: none. Absent were Senators Chronister and Pirsch.

(Signed) Chris Beutler, Chairperson

Agriculture and Environment

LEGISLATIVE BILL 539. Placed on General File as amended.
Standing Committee amendments to LB 539:
AM0806

1. On page 2, line 5, strike "5" and insert "4"; in line 15, strike "and" and the underscored period, and reinstate "~~, and~~"; and reinstate the stricken matter on line 16.

2. Strike original sections 4, 8, and 13.

3. On page 5, strike lines 25 through 27.

4. On page 7, strike the new language in lines 1 through 6; after line 16 insert:

"(2) Any out-of-state manufacturer, distributor, or retailer who has no distribution facility within this state shall obtain a registration for its principal out-of-state office, if it markets or distributes agricultural liming materials in the State of Nebraska."; in line 17 strike "(2)", show as stricken, and insert "(3)".

5. On page 8, line 19, strike "distribute", show as stricken, and insert "make available"; and in line 20 strike "annually" and show as stricken.

6. On page 11, line 10, strike beginning with "2-4316" through "2-4327" and insert "2-4319, 2-4320, 2-4322, 2-4323, 2-4325, and 2-4326".

7. Insert the following new section:

"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.".

8. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 551. Placed on General File as amended.
Standing Committee amendments to LB 551:
AM0829

1. On page 2, line 13, strike beginning with "Wheat" through "seeds" and insert "Corn, grain sorghum, wheat, soy beans, barley, dry beans"; strike beginning with the comma in line 18 through "commodity" in line

20; and in line 26 strike beginning with "subject" through "premiums".

2. On page 3, line 12, after "consideration" insert "for that year" and after the period insert "On or before February 1 of each year thereafter, the January 15 parity price shall be used to establish the minimum price."; strike lines 13 through 16; and in line 23 strike "twice".

3. On page 4, strike beginning with "director" in line 11 through line 17; and in line 19 after "in" insert "a".

(Signed) Rex Haberman, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 68. Placed on General File as amended.
Standing Committee amendment to LB 68:
AM0867

1. On page 2, line 5, after the comma insert "county sheriffs, county treasurers, county attorneys, county public defenders, county clerks, county registers of deeds, clerks of the district court, county assessors, county surveyors,"; in line 17 after "attorney," insert "county public defender,"; in lines 17 and 18 strike "and where applicable,"; and in line 19 strike "and".

LEGISLATIVE BILL 620. Placed on General File as amended.
Standing Committee amendment to LB 620:
AM0868

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 474. Indefinitely postponed.
LEGISLATIVE BILL 612. Indefinitely postponed.

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 454 in the Journal. No objections. So ordered.

AM0873

(Amendments to Standing Committee Amendments)

1. On page 1, strike lines 10 through 20; in line 21 strike "3" and insert "2" and strike "Subject" and insert "Notwithstanding the provisions of section 8-903 and subject".

2. On page 3, line 12, strike "4" and insert "3", and in lines 14 and 20 strike "3" and insert "2".

3. Strike amendments 3 and 4.

UNANIMOUS CONSENT - Members Excused

Mrs. Higgins, Messrs. Vickers, Barrett, R. Johnson, Schmit, and Wiitala asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 96. Mr. Chambers offered the following amendment:

Page 3, line 6: After "relocation", put underscored period; starting with "after", strike remainder of language through line 8.

The amendment lost with 5 ayes, 19 nays, 15 present and not voting, and 10 excused and not voting.

Mr. Chambers offered the following amendment:

Any utilities in the past which have moved facilities because of the improvement or construction of any road, shall be reimbursed for such move by the State of Nebraska.

Messrs. H. Peterson, Chronister, and Von Minden asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will meet for a working session upon adjournment of the Legislature on Thursday, March 24, 1983, in Room 1003, State Capitol.

UNANIMOUS CONSENT - Print in Journal

Mr. Wiitala asked unanimous consent to print the following amendment to LB 234 in the Journal. No objections. So ordered.

AM0840

(Amendments to Standing Committee amendments, AM0605)

1. On page 5, line 14, after "records" insert

", except that if a lien is registered against a vehicle and recorded on the vehicle's ownership records, the county clerk shall provide a copy of the ownership records for use in making such comparison".

VISITORS

Visitors to the Chamber were 18 seniors and teacher from Giltner High School; Basile Ehile, Deputy, National Assembly, Michel Nomelagne, Deputy, National Assembly and Assistant Mayor of Dabou, Brahima Wattara, Deputy, National Assembly and Director, Modern Commerce Distribution, Legislators from Ivory Coast; Keith Dubas, Programmer, Mayor's Committee for International Friendship; Matthew Rooney, U. S. Department of State Escort/Interpreter; and Linda Myers from North Bend Central High School with 3 foreign exchange students, Sandy Cuevas, Ensenada, Mexico, Monica Ruiz, Quinto, Ecuador, and Chris Boehmer, Hereford, Germany.

RECESS

At 12:07 p.m., on a motion by Mr. Lundy, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m, President McGinley presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beyer and Hoagland who were excused; and Messrs Barrett, Beutler, Fowler, Haberman, Newell, H. Peterson, Schmit, Wagner, Warner, Mesdames Higgins, Labedz, Marsh, Morehead, and Pirsch who were excused until they arrive.

RESOLUTION

LEGISLATIVE RESOLUTION 52.

Introduced by Cullan, 49th District.

WHEREAS, the Chadron State College library built in 1966, does not have an official name; and

WHEREAS, such an excellent facility should be named after someone who has committed her life to library service; and

WHEREAS, Miss Reta E. King has served as a dedicated, concerned, and respected library employee at Chadron State College for over twenty-five years; and

WHEREAS, during Miss King's tenure, library collections and services at the Chadron State College library expanded and changed dramatically; and

WHEREAS, Miss King was the recipient of the 1980 Meritorious Service Award and has served in many distinguished library organizations; and

WHEREAS, on October 20, 1982, the Board of Trustees of the Nebraska State Colleges unanimously approved the naming of the facility after Miss King.

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

1. That the library at Chadron State College be named the Reta E. King Library in appreciation for her many years of service.

2. That a copy of this resolution be presented to Miss King upon its passage.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 96. Mr. Chambers asked unanimous consent to withdraw his pending amendment found in this day's Journal. No objections. So ordered.

Mr. Chambers offered the following amendment:

Any utilities since 1958 which have relocated facilities because of the improvement or construction of any road, shall be reimbursed for such relocation by the State.

SPEAKER NICHOL PRESIDING

Mr. Chambers moved for a Call of the House. The motion prevailed with 11 ayes, 5 nays, and 33 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 2:

Chambers	Wesely

Voting in the negative, 25:

Abboud	Barrett	Carsten	Cullan	Fenger
Goodrich	Hannibal	Hefner	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Newell	Pappas	Peterson, H.
Pirsch	Remmers	Von Minden	Wagner	Warner

Present and not voting, 13:

Beutler	Chronister	Clark	DeCamp	Doyle
Eret	Goll	Jacobson	Nichol	Peterson, R.
Rupp	Sieck	Wiitala		

Absent and not voting, 1:

Vickers

Excused and not voting, 8:

Beyer	Fowler	Haberman	Higgins	Hoagland
Marsh	Morehead	Schmit		

The Chambers amendment lost with 2 ayes, 25 nays, 13 present and not voting, 1 absent and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

Mr. Chambers moved to indefinitely postpone LB 96.

Mr. Chambers moved for a Call of the House. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Mr. Chambers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 7:

Beutler	Chambers	Hannibal	Nichol	Pappas
Vickers	Wesely			

Voting in the negative, 25:

Abboud	Carsten	Clark	Cullan	Doyle
Fenger	Goodrich	Haberman	Hefner	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Newell
Peterson, H.	Pirsch	Remmers	Von Minden	Wagner

Present and not voting, 11:

Barrett	Chronister	DeCamp	Eret	Goll
Higgins	Peterson, R.	Rupp	Sieck	Warner
Wiitala				

Excused and not voting, 6:

Beyer Fowler Hoagland Marsh Morehead
Schmit

The Chambers motion lost with 7 ayes, 25 nays, 11 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

PRESIDENT MCGINLEY PRESIDING

Advanced to E & R for Review with 28 ayes, 4 nays, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 142. Title read. Considered.

Standing Committee amendment, AM0478, found in the Journal on page 803 for the Thirty-Ninth Day lost with 0 ayes, 17 nays, 25 present and not voting, and 7 excused and not voting.

Messrs. Cullan, Hoagland, Wesely, and Schmit renewed their pending amendment, AM0835, found in the Journal on page 1050.

Mr. Pappas and Mrs. Higgins asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. R. Johnson asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Beutler offered the following amendment to the Cullan et al amendment:
By adding the following language on line 2, page 2
"except for the taking of blood samples"
and by adding the following language after the word "fluid" in line 12, page 2
"except as otherwise provided in this section"

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

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

Mr. Cullan moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Cullan requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Clark	Cullan	Doyle	Eret	Goodrich
Haberman	Jacobson	Johnson, V.	Labedz	Newell
Nichol	Peterson, R.	Schmit	Wesely	Wiitala

Voting in the negative, 19:

Barrett	Carsten	Chronister	Goll	Hefner
Kahle	Kilgarin	Landis	Lundy	Pappas
Peterson, H.	Pirsch	Remmers	Rupp	Sieck
Vickers	Von Minden	Wagner	Warner	

Present and not voting, 6:

Abboud	Beutler	DeCamp	Fenger	Hannibal
Johnson, L.				

Absent and not voting, 2:

Chambers Lamb

Excused and not voting, 7:

Beyer	Fowler	Higgins	Hoagland	Johnson, R.
Marsh	Morehead			

The Cullan et al amendment lost with 15 ayes, 19 nays, 6 present and not voting, 2 absent and not voting, and 7 excused and not voting.

Pending.

The Chair declared the Call raised.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 317. Indefinitely postponed.
LEGISLATIVE BILL 423. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

Appropriations

LEGISLATIVE BILL 602. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - AM0718.)

(Signed) Jerome Warner, Chairperson

Judiciary

LEGISLATIVE BILL 32. Placed on General File as amended.
Standing Committee amendments to LB 32:
AM0824

1. Insert a new section as follows:
"Sec. 5. In the enforcement of sections 59-1601 to 59-1622 the Attorney General may bring an action in the name of the state in the district court of the county in which the alleged violator resides or has his or her principal place of business or in Lancaster County.".
2. Renumber original section 5 as section 6.

LEGISLATIVE BILL 591. Placed on General File as amended.
Standing Committee amendments to LB 591:
AM0822

1. On page 2, line 21, strike "Certify" and insert "Furnish the prosecutor with a certificate stating".
2. On page 4, line 6, after "certificate" insert "from the director", and after "section" insert "3 or".

LEGISLATIVE BILL 625. Placed on General File as amended.
Standing Committee amendment to LB 625:
AM0823

1. On page 3, lines 12 and 13, strike the new matter; and in line 15 after "offenses" insert ", and for purposes of sections 86-701 to 86-706 only, special agents of the Federal Bureau of Investigation".

LEGISLATIVE BILL 8. Indefinitely postponed.
LEGISLATIVE BILL 330. Indefinitely postponed.
LEGISLATIVE BILL 588. Indefinitely postponed.
LEGISLATIVE BILL 589. Indefinitely postponed.
LEGISLATIVE BILL 593. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 194, 391, and 454.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 391

The following changes, required to be reported for publication in the Journal, have been made:
ER0030
1. On page 1, line 5, "to provide for collection of special assessments as prescribed;" has been inserted after the semicolon.

(Signed) Tristi J. Wilson
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 199 in the Journal. No objections. So ordered.

AM0880
(Amendments to the Final Reading Copy)
1. On page 3, line 6, strike "a Class V misdemeanor", show as stricken, and insert "an infraction as defined in section 29-431"; and strike the new matter beginning with "as" in line 11 through the period in line 15.

GENERAL FILE

LEGISLATIVE BILL 142. Mr. Cullan offered the following amendment:
1. On page 2 after new matter, insert:
No person engaged in the practice of chiropractic shall be allowed to prescribe or be engaged in the business of supplying or selling drugs, health food supplements, vitamins or vitamin supplements, food or food stuffs, or medical equipment used in the treatment, diagnosis, prevention or cure of a human disease, ailment, defect, complaint or other condition.

The amendment lost with 9 ayes, 15 nays, 17 present and not voting, and 8 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Cullan offered the following amendment:
1. That section 71-179.01, Reissue Revised Statutes of Nebraska 1943, be amended to read as follows:
71-179.01 (1) Each Nebraska licensed chiropractor in active

practice within the State of Nebraska shall be required, on or before June 1, 1959, and on or before June 1 of every year thereafter, to attend not less than ~~two~~ three days totaling at least ~~15~~ 30 annually, of such approved scientific schools, clinics, forums, lectures, or chiropractic educational seminars as may be approved by the Board of Examiners in Chiropractic as a prerequisite for his or her next subsequent annual license renewal; provided that at least one such approved educational program consisting of at least ~~two~~ three days totaling at least ~~15~~ 30 hours of class instruction is conducted annually in the State of Nebraska.

(2) Any person licensed to practice chiropractics in the state of Nebraska making publication of claims, either orally or in printed advertisement, using untruthful or improbable statement, or flamboyant, exaggerated or extravagant claims concerning such persons professional excellence, abilities, offers to cure, modes of treatment, or offers of free medical services with the intent to procure business, shall be guilty of a Class III misdemeanor.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Cullan requested a record vote on his amendment.

Voting in the affirmative, 16:

Clark	Cullan	DeCamp	Doyle	Johnson, V.
Labedz	Lamb	Landis	Lundy	Newell
Nichol	Pappas	Peterson, R.	Rupp	Warner
Wiitala				

Voting in the negative, 13:

Barrett	Beutler	Carsten	Chronister	Goll
Hannibal	Hefner	Kilgarin	Peterson, H.	Pirsch
Remmers	Sieck	Von Minden		

Present and not voting, 11:

Abboud	Chambers	Eret	Fenger	Goodrich
Jacobson	Johnson, L.	Kahle	Vickers	Wagner
Wesely				

Excused and not voting, 9:

Beyer	Fowler	Haberman	Higgins	Hoagland
Johnson, R.	Marsh	Morehead	Schmit	

The Cullan amendment lost with 16 ayes, 13 nays, 11 present and not voting, and 9 excused and not voting.

Mr. Chronister asked unanimous consent to pass over LB 142. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 363. Placed on Select File.

LEGISLATIVE BILL 35. Placed on Select File as amended.
E & R amendments to LB 35:
AM5067

1. On page 6, line 7, after "Prepare" insert ", adopt,".
2. On page 10, line 12, after "adopt" insert "and promulgate".
3. On page 15, line 4, after "weeks" insert a comma.
4. In the Standing Committee amendments, page 1, line 8, strike "consider" and insert "take into consideration".

LEGISLATIVE BILL 35A. Placed on Select File.

LEGISLATIVE BILL 308. Placed on Select File as amended.
E & R amendment to LB 308:
AM5068

1. On page 1, line 1, strike "section" and insert "sections" and after "16-104" insert "and 16-302.01"; in line 4 after the semicolon insert "to change provisions relating to the election of council members;"; and in line 5 strike "section" and insert "sections".

LEGISLATIVE BILL 269. Placed on Select File.

LEGISLATIVE BILL 362. Placed on Select File as amended.
E & R amendment to LB 362:
AM5069

1. On page 1, line 4, after "programs" insert "; and to declare an emergency".

LEGISLATIVE BILL 393. Placed on Select File.

LEGISLATIVE BILL 571. Placed on Select File as amended.
E & R amendments to LB 571:

AM5070

1. On page 1, line 1, strike "sections 66-414," and insert "section"; in line 2, strike "and" and insert "Reissue Revised Statutes of Nebraska, 1943, and section"; in line 3, strike "; to change a shrinkage allowance" and insert ", as amended by section 1, Legislative Bill 2, Eighty-seventh Legislature, Second Special Session, 1982, and section 1, Legislative Bill 101, Eighty-eighth Legislature, First Session, 1983"; and in line 5, after "collection" insert "of".

2. For correlation purposes with LB 2, Eighty-seventh Legislature, Second Special Session and LB 101, Eighty-eighth Legislature, First Session, on page 12, lines 12 and 15, strike "last" and insert "twenty-fifth"; on page 15, line 20 strike "last day of the month" and insert "required filing date"; on page 16, lines 7 and 9, strike "ninety" and insert "one hundred eighty"; in line 21, strike "hereinafter" and in line 22, strike "77-27,126" and insert "77-27,127"; and on page 12, line 23, page 13, lines 2, 3, and 12, page 14, lines 3 and 11, and page 18, line 9, delete the stricken material and remove the underscoring.

3. On page 2, line 13, and page 18, line 16 after "1943," insert "as amended by section 1, Legislative Bill 2, Eighty-seventh Legislature, Second Special Session, 1982, and section 1, Legislative Bill 101, Eighty-eighth Legislature, First Session, 1983,".

4. In lieu of Standing Committee amendment 2, on page 18, line 15, strike "sections 66-414," and insert "section"; and in line 16, strike "and" and insert "Reissue Revised Statutes of Nebraska, 1943, and section".

LEGISLATIVE BILL 571A. Placed on Select File.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 142 in the Journal. No objections. So ordered.

1. On page 2, strike the new matter in lines 3 through 21 and insert "the practice of chiropractic shall mean a system of therapy based on the premise that the relationship between the structural integrity of the spinal column and function in the human body is a significant health factor and that the normal

transmission of nerve energy is essential to the restoration and maintenance of health. The practice of chiropractic shall include the practices and procedures of examination of the spine and procedures resulting from chiropractic clinical findings accepted by the Board of Examiners in Chiropractic, as a basis for the adjustment of the spinal column for the correction of nerve interference and articular malalignment. Chiropractic care shall be conducted with due regard for nutrition, environment, hygiene, sanitation, and rehabilitation, designed to exist in the respiration and maintenance of neurological integrity and homeostatic balance.

Nothing in this section shall be construed to authorize any of the following practices or procedures:

(1) Prescribing of drugs;

(2) Performing major or minor surgery;

VISITORS

Visitors to the Chamber were Mr. and Mrs. John Walsh from Jewel, Kansas.

ADJOURNMENT

At 4:23 p.m., on a motion by Mr. Hefner, the Legislature adjourned until 9:00 a.m., Thursday, March 24, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIRST DAY - MARCH 24, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 24, 1983

Pursuant to adjournment, the Legislature met at 9:02 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. David Quam, Central Missionary Alliance Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Cullan, Fenger, and Mrs. Marsh who were excused; and Messrs. R. Johnson, V. Johnson, Landis, Schmit, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fiftieth Day was approved.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 573 in the Journal. No objections. So ordered.

AM0798

(Amendments to Final Reading Copy)

1. On page 1, line 6, after "54-1331" insert ", 54-1332, and 54-1334"; and in line 7 after "1943" insert ", and section 54-1333, Revised Statutes Supplement, 1982".

2. On page 13, line 22, after "54-1331" insert ", 54-1332, and 54-1334"; and in line 23 after "1943," insert "and section 54-1333, Revised Statutes Supplement, 1982,".

MESSAGE FROM THE GOVERNOR

March 23, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 70, 70A, 181, 303, 310, 313, 329, 380, 406, 535, 542 and 542A were received in my office on March 17, 1983.

These bills were signed by me on March 23, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK:jm

REPORT

Received biennial report from the State Board of Vocational Education to the Nebraska State Legislature pursuant to Section 79-1435.

MOTION - Place LB 533 on General File

Messrs. Haberman and DeCamp renewed their pending motion found in the Journal on page 1089 to place LB 533 on General File notwithstanding the Committee's action.

Mr. Haberman moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

The motion to place on General File prevailed with 33 ayes, 8 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

MOTION - Escort Governor

Speaker Nichol moved that a committee of five be appointed to escort the Governor to the Chamber to deliver a message to the membership.

The motion prevailed.

The Chair appointed Mrs. Morehead, Messrs. Eret, Wiitala, Remmers, and DeCamp to serve on said committee.

The Committee returned and escorted Governor Robert Kerrey to the rostrum where he delivered the following message to the members:

(The contents of Governor Kerrey's address will be available in the Fifty-Second Day's Journal, March 25, 1983.)

The Committee escorted the Governor from the Chamber.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 277.

A BILL FOR AN ACT to amend section 25-824, Reissue Revised Statutes of Nebraska, 1943, relating to civil procedure; to change a limitation on certain awards for counsel fees as prescribed; to change provisions relating to pleadings; and to repeal the original section.

Whereupon the 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Doyle	Eret
Fowler	Goll	Goodrich	Haberman	Hannibal
Hefner	Hoagland	Jacobson	Johnson, L.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Morehead	Newell	Nichol	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Wiitala

Voting in the negative, 1:

Higgins

Present and not voting, 2:

DeCamp Pappas

Excused and not voting, 6:

Cullan Fenger Johnson, R. Johnson, V. Marsh
Schmit

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 18-406, Revised Statutes Supplement, 1982, relating to public utilities; to change a provision relating to assessments as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	DeCamp	Doyle
Eret	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Wiitala		

Voting in the negative, 0.

Excused and not voting, 6:

Cullan Fenger Johnson, R. Johnson, V. Marsh
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 497.

A BILL FOR AN ACT to amend section 42-121, Reissue Revised Statutes of Nebraska, 1943, relating to premarital examinations; to modify and eliminate provisions relating to such examinations as prescribed; and to repeal the original section, and also sections 42-122, 42-123, and 42-125 to 42-128, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law

relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Barrett	Beutler	Beyer	Carsten	Chambers
Chronister	Clark	DeCamp	Doyle	Eret
Fowler	Goll	Goodrich	Haberman	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala			

Voting in the negative, 0.

Present and not voting, 1:

Abboud

Excused and not voting, 6:

Cullan	Fenger	Johnson, R.	Johnson, V.	Marsh
Schmit				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 19. With Emergency.

A BILL FOR AN ACT to adopt the Nebraska Beef Industry Development Act; to amend section 54-137.01, Reissue Revised Statutes of Nebraska, 1943; to create a cash fund; to provide a penalty; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 41:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Doyle	Eret
Fowler	Goll	Goodrich	Haberman	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Morehead	Newell	Nichol	Pappas	Peterson, H.

Peterson, R.	Pirsch	Remmers	Rupp	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala				

Voting in the negative, 1:

Hannibal

Present and not voting, 1:

Chambers

Excused and not voting, 6:

Cullan	Fenger	Johnson, R.	Johnson, V.	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 19A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 19, Eighty-eighth Legislature, First Session, 1983; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	DeCamp	Doyle	Eret	Fowler
Goll	Goodrich	Haberman	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Wiitala

Voting in the negative, 1:

Hannibal

Present and not voting, 2:

Beutler	Chambers

Excused and not voting, 6:

Cullan	Fenger	Johnson, R.	Johnson, V.	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 134.

A BILL FOR AN ACT to amend sections 44-1620 and 44-1627, Revised Statutes Supplement, 1982, relating to insurance; to provide an insurance option to state employees after retirement; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 29:

Beyer	Carsten	Chambers	Clark	DeCamp
Doyle	Eret	Fowler	Goll	Goodrich
Haberman	Hannibal	Higgins	Hoagland	Jacobson
Kilgarin	Labedz	Landis	Morehead	Newell
Pappas	Peterson, R.	Remmers	Rupp	Sieck
Vickers	Wagner	Wesely	Wiitala	

Voting in the negative, 14:

Abboud	Barrett	Beutler	Chronister	Hefner
Johnson, L.	Kahle	Lamb	Lundy	Nichol
Peterson, H.	Pirsch	Von Minden	Warner	

Excused and not voting, 6:

Cullan	Fenger	Johnson, R.	Johnson, V.	Marsh
Schmit				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 241. With Emergency.

A BILL FOR AN ACT relating to banking and finances; to provide for

the merger or acquisition of certain financial institutions as prescribed; to provide powers and duties for the Department of Banking and Finance and the Director of Banking and Finance; to establish requirements; to provide procedures; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Doyle	Eret
Fowler	Goll	Goodrich	Haberman	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala			

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 6:

Cullan	Fenger	Johnson, R.	Johnson, V.	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 365. With Emergency.

A BILL FOR AN ACT to amend section 2-1207, Revised Statutes Supplement, 1982, relating to horse racing; to change provisions relating to deductions from wagers; to provide for the use of such deductions; 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:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	DeCamp	Doyle	Eret	Fowler
Goll	Goodrich	Haberman	Hannibal	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Wiitala

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Chambers	Morehead

Excused and not voting, 6:

Cullan	Fenger	Johnson, R.	Johnson, V.	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 414.

A BILL FOR AN ACT to amend sections 71-604.01 and 71-604.04, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to change provisions relating to infant screening of certain metabolic disorders as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	DeCamp	Doyle
Eret	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Sieck	Vickers	Von Minden	Wagner
Wesely	Wiitala			

Voting in the negative, 0.

Present and not voting, 1:

Warner

Excused and not voting, 6:

Cullan Fenger Johnson, R. Johnson, V. Marsh Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Withdraw Amendment to LB 199

Mr. Chambers asked unanimous consent to withdraw his pending amendment to LB 199 found in the Journal on page 1044. No objections. So ordered.

MOTION - Return LB 199 to Select File

Mrs. Labedz and Mr. Chambers moved to return LB 199 to Select File for the Labedz specific amendment, AM0880, found in the Journal on page 1102.

The motion to return prevailed with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 199. The Labedz specific amendment found in the Journal on page 1102 was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Withdraw Amendment to LB 155

Mr. Goll asked unanimous consent to withdraw his pending amendment to LB 155, AM0728, found in the Journal on page 948. No objections. So ordered.

MOTION - Return LB 155 to Select File

Messrs. DeCamp, Goll, and Mrs. Morehead moved to return LB 155 to Select File for their specific amendment, AM0803, found in the Journal on page 1026.

Mr. H. Peterson moved the previous question. The question is, "Shall

the debate now close?" The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Mr. Chambers raised a point of order regarding whether there had been a full and fair debate on the motion to return LB 155.

The Chair overruled the point of order.

Messrs. Wagner and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

The DeCamp-Goll-Morehead motion to return prevailed with 28 ayes, 2 nays, 11 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 155. The DeCamp-Goll-Morehead specific amendment found in the Journal on page 1026 was adopted with 30 ayes, 2 nays, 10 present and not voting, and 7 excused and not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 34:

Abboud	Barrett	Beyer	Chronister	DeCamp
Doyle	Eret	Goll	Goodrich	Hannibal
Hefner	Higgins	Jacobson	Johnson, L.	Kahle
Kilgarin	Lamb	Landis	Lundy	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Sieck	Von Minden
Wagner	Warner	Wesely	Wiitala	

Voting in the negative, 1:

Chambers

Present and not voting, 7:

Beutler	Carsten	Clark	Fowler	Hoagland
Labedz	Vickers			

Excused and not voting, 7:

Cullan	Fenger	Haberman	Johnson, R.	Johnson, V.
Marsh	Schmit			

Advanced to E & R for Re-Engrossment with 34 ayes, 1 nay, 7 present and not voting, and 7 excused and not voting.

MOTION - Return LB 125 to Select File

Mr. Beutler moved to return LB 125 to Select File for the following specific amendment:

1. On page 3, lines 9 & 10, page 4, lines 7 & 8, and page 5, lines 1 & 2, strike "Notwithstanding any other provision of this section," & show as stricken.

2. On page 3, line 11, page 4, line 9, and page 5, line 3, strike "approve or" & show as stricken.

The motion to return prevailed with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 125. The Beutler 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 Re-Engrossment.

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 237. Placed on General File as amended.
Standing Committee amendments to LB 237:
AM0816

1. On page 3, line 1, after "act" insert ".
Annuity conversion rates contained in any such contract
shall be specified on a sex neutral basis"; and in line
22, before "Each" insert "(1)".
2. On page 4, after line 2, insert:
"(2) Each city of the first class with police
officers participating in a retirement system
established pursuant to sections 1 to 19 of this act
shall pick up the police officers' contributions
required by this section for all compensation paid on or
after January 1, 1984, and the contributions so picked
up shall be treated as employer contributions in
determining federal tax treatment under the United
States Internal Revenue Code, except that the city shall
continue to withhold federal income taxes based upon
these contributions until the Internal Revenue Service,
or the federal courts, rule that, pursuant to section
414(h) of the United States Internal Revenue Code, these

contributions shall not be included as gross income of the employee until such time as they are distributed or made available. The city shall pay these employee contributions from the same source of funds which is used in paying earnings to the employee. The city shall pick up these contributions by a salary deduction either through a reduction in the cash salary of the employee or a combination of a reduction in salary and offset against a future salary increase.".

3. On page 5, line 10; page 6, lines 11 and 12; page 7, line 17; and page 9, line 26, strike "lump sum" and insert "lump-sum".

(Signed) Steve Fowler, Chairperson

Revenue

LEGISLATIVE BILL 530. Placed on General File as amended.
Standing Committee amendments to LB 530:
AM0884

1. On page 2, line 18, strike "April" and insert "July"; and strike the new matter in lines 21 through 26.

2. On page 3, line 17, strike "April" and insert "July"; and strike beginning with "Effective" in line 20 through the period in line 25.

3. Strike original sections 4 and 5 and insert the following new section:

"Sec. 4. After the effective date of this act, the Department of Revenue shall employ at least two additional motor fuel tax personnel to aid in the enforcement of section 66-432.".

4. On page 5, line 3, strike "section" and insert "sections 66-410, 66-428, and ".

5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 619. Placed on General File as amended.
Standing Committee amendments to LB 619:
AM0832

1. Strike original section 2 and insert the following new section:

"Sec. 1. That section 77-2716, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2716. (1) There shall be subtracted from federal taxable income interest or dividends on obligations of the United States and its territories and

possessions or of any authority, commission, or instrumentality of the United States to the extent includible in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States. ~~; Provided, that the~~ The amount subtracted under the provisions of this subsection shall, except as provided in subsections (2) to (6) of this section, be reduced by any interest on indebtedness incurred to carry the obligations or securities described in this subsection, and by any expenses incurred in the production of interest or dividend income described in this subsection to the extent that such expenses, including amortizable bond premiums, are deductible in determining federal taxable income.

(2) For taxpayers subject to the tax under subsection (2) of section 77-2734, in lieu of the reduction for expenses contained in subsection (1) of this section, there shall be added to federal taxable income, the investment interest expense incurred by the taxpayer to purchase and maintain exempt securities as determined under subsection (3) of this section.

(3) The investment interest expense provided in subsection (2) of this section shall be determined by (a) dividing the taxpayer's average investment in exempt securities by the taxpayer's average total assets and multiplying such ratio by the taxpayer's total interest expense and (b) subtracting any interest disallowed under 26 U.S.C. sections 265 and 291.

(4) As used in this section, unless the context otherwise requires:

(a) Exempt securities shall mean the obligations that earn income exempt from taxation under subsection (1) of this section or under 26 U.S.C. section 103;

(b) Average investment in exempt securities shall mean the average of the aggregate tax basis in exempt securities at the beginning and the end of the taxable year;

(c) Average total assets shall mean the average of the aggregate tax basis in total assests at the beginning and end of the taxable year; and

(d) Total interest expense shall mean the total interest expense allowed as a deduction in computing federal taxable income plus any interest disallowed under 26 U.S.C. sections 265 and 291.

(5) Whenever it is necessary to properly reflect the ratio of investment in exempt securities to

total assets, the Tax Commissioner may permit or require the computation of the average provided for in subsection (3) of this section using amounts from interim balance sheets.

(6) The taxpayer may use in lieu of the tax basis for the computation in subsection (3) of this section, the amounts from a balance sheet included with the federal return or as required to be reported to federal or state regulatory agencies if (a) such amounts are not materially different from tax basis, (b) the amounts are prepared consistently from year to year, and (c) absent a change in circumstances, the amounts are consistently used by the taxpayer from year to year. The Tax Commissioner may require a taxpayer to use the alternative amounts in order to maintain consistency or may require the taxpayer to show that the amounts used do not materially differ from the tax basis.

~~(2)~~ (7) There shall be added to or subtracted from federal taxable income, as the case may be, the taxpayer's share of the fiduciary adjustment determined under the provisions of section 77-2720.".

2. On page 3, lines 3 and 4, strike the new matter; and strike beginning with "without" in line 6 through "77-2741" in line 7 and show as stricken.

3. On page 7, line 20, after "original" insert "section 77-2716, Reissue Revised Statutes of Nebraska, 1943, and"; and in line 21 strike "is" and insert "are".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 624. Placed on General File as amended.
Standing Committee amendments to LB 624:
AM0883

1. On page 2, line 25; and page 3, lines 4, 18, and 20 before "asbestos" insert "greater than one per cent friable".

2. On page 3, line 4 after "asbestos" insert ", as defined by the United States Environmental Protection Agency,".

(Signed) Calvin F. Carsten, Chairperson

Judiciary

LEGISLATIVE BILL 80. Placed on General File as amended.
Standing Committee amendments to LB 80:
AM0811

1. Strike the original sections and insert new sections as follows:

"Section 1. That section 83-1,107.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1,107.01. ~~(1)~~ In addition to the reductions provided in section 83-1,107, an offender ~~shall receive~~ may earn, for meritorious ~~faithful~~ performance of his or her assigned duties, a further reduction of five days for each month of his or her term. The total of all such reductions shall be deducted ~~from his maximum term to determine the date when his discharge from the custody of the state becomes mandatory~~: (a) from his or her minimum term, to determine the date of his or her eligibility for release or parole; and (b) from his or her maximum term to determine the date when his or her discharge from the custody of the state becomes mandatory.

~~(2) While the offender is in the custody of the Department of Correctional Services, reductions of such terms may be forfeited, withheld, and restored by the chief executive officer of the facility, with the approval of the director after the offender has been consulted regarding any charges of misconduct.~~

~~(3) While the offender is in the custody of the Board of Parole, reductions of such terms may be forfeited, withheld, and restored by the Parole Administrator with the approval of the director after the offender has been consulted regarding the charges of misconduct or breach of the conditions of his or her parole. In addition, the Board of Parole may recommend such forfeitures of good time to the director.~~

Sec. 2. That section 83-1,123, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1,123. (1) A parolee whose parole is revoked shall: ~~(a) Be recommitted for the remainder of his maximum prison term, deducting the period served on parole prior to the violation; and (b)~~ be treated as an escaped prisoner until apprehended and returned to the Department of Correctional Services.

(2) The time from the date of his or her declared delinquency until the date of his or her arrest for the custody of the Board of Parole shall not be counted as any portion of the time served.

(3) A parolee whose parole has been revoked shall be considered by the Board of Parole for reparole at any time in the same manner as any other committed

offender eligible for parole.

(4) Except in the case of a parolee who has left the jurisdiction or his or her place of residence, action revoking a parolee's parole and recommitting him or her for violation of the conditions of parole must be taken before the expiration of his or her parole term less reductions for good behavior. A parolee who has left the jurisdiction or his or her place of residence shall be treated as a parole violator and, when he or she is apprehended, shall be subject to recommitment or to supervision for the balance of his or her parole term as of the date of ~~his~~ the violation.

Sec. 3. That original sections 83-1,107.01 and 83-1,123, 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.".

LEGISLATIVE BILL 74. Indefinitely postponed.
LEGISLATIVE BILL 592. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 277, 438, 497, 19, 19A, 134, 241, 365, and 414.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 533 in the Journal. No objections. So ordered.

1. Strike sections 1, 2 and 3 and insert the following new sections:

Sec. 1. That section 85-107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-107. The University of Nebraska may embrace the following colleges and institutes: (1) Graduate; (2) Arts and Sciences; (3) University of Nebraska Institute of Agriculture and Natural Resources; (4) ~~Veterinary Medicine and Surgery~~ Journalism; (5) Home Economics; (6) Engineering and Technology; (7) Teachers' or Education, as may be provided; (8) Law; (9) Medicine; (10) Rural Health and Related Subjects; (11) Pharmacy; (12) Dentistry; (13) Business Administration; (14) Nursing; (15) Continuing Studies; (16) Architecture; (17) Public Affairs and Community Service; (18) University College; and (19) Fine Arts.

~~Commencing with the Fall Semester of 1975, the~~ The University of Nebraska-Lincoln ~~School~~ College of Journalism shall have authority to award graduate degrees and shall establish a supporting graduate level curriculum, including but not limit to television, radio, communications, and affiliated subjects.

Sec. 2. That section 85-180, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-180. ~~Until such time as the Legislature may provide suitable structures and educational facilities for a School of Veterinary Medicine and Surgery, the~~ The Board of Regents is authorized to enter into agreements with suitable schools or colleges of veterinary medicine and surgery in other states, and to make expenditures pursuant thereto for the purpose of utilizing the educational facilities of such schools and colleges ~~for teaching students in required courses as are not offered at the University of Nebraska by reason of a lack of suitable facilities~~ to provide to Nebraska students an educational program leading to the Doctor of Veterinary Medicine degree.

Sec. 3. The Legislature hereby declares that livestock production is one of Nebraska's largest industries and that control and eradication of livestock diseases is one of the most severe problems confronting the livestock producers of this state. The Legislature finds that a strong graduate educational, research and service program in veterinary science at the University of Nebraska-Lincoln related to animal health practices and, preventative and diagnostic veterinary medicine for the control and eradication of livestock diseases is vital to the welfare of the livestock industry and the general welfare of the state.

Sec. 4. The Board of Regents of the University of Nebraska is authorized to employ such staff and expend such funds as may be appropriated by the Legislature for the purpose of establishing a graduate program leading to the Ph.D. degree in veterinary science at the University of Nebraska-Lincoln Institute of Agriculture and Natural Resources, and for the purpose of establishing research and service programs related to animal health practices, and preventative and diagnostic veterinary medicine for the control and eradication of livestock diseases.

Sec. 5. Nothing in sections 3 and 4 of this act shall be construed to reduce or diminish the state's support of present University of Nebraska programs and their existing needs. It is the intent of the Legislature that the graduate educational, research and service program in veterinary science resulting from sections 3 and 4 will be provided with necessary operating funds, which will be in addition to funds provided for existing University of Nebraska programs.

Sec. 6. That original sections 85-107 and 85-180, Reissue Revised Statutes of Nebraska, 1943, and also Laws 1981, LB 245A, section 7, and sections 85-180.01, 85-180.02, 85-180.03, 85-180.04, 85-180.05, 85-180.06, 85-180.07, 85-180.08, 85-180.09, 85-180.10, 85-180.11 and 85-181, Reissue Revised Statutes of Nebraska, 1943, are repealed.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 626. By Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT to adopt the Nebraska Investment Finance Authority Act; to amend sections 66-1005 and 66-1009, Revised Statutes Supplement, 1982; to repeal the Nebraska Mortgage Finance Fund Act, the Agricultural Development Corporation Act, and the Nebraska Development Finance Fund Act; to provide severability; to repeal the original sections, and also sections 76-1601 to 76-1651, Reissue Revised Statutes of Nebraska, 1943, sections 2-4101 to 2-4156, and 76-1801 to 76-1841, Revised Statutes Supplement, 1982.

LEGISLATIVE BILL 627. By Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT to amend sections 2-3801 to 2-3803, 2-3805, 2-3806, 2-3808 to 2-3810, and 2-3812, Revised Statutes Supplement, 1982, relating to marketing of products and commodities; to rename an act; to define terms; to provide powers and duties; to provide limitations; to rename a fund; to repeal the original sections; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 215 in the Journal. No objections. So ordered.

AM0797

1. Strike original sections 1 to 7 and insert the following new sections:

"Section 1. That section 44-1901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-1901. As used in sections 44-1901 to 44-1917 and sections 2 and 3 of this act, unless the context otherwise requires:

(1) Title insurance shall mean:

(a) Insuring, guaranteeing, or indemnifying owners of real property or others interested therein against loss or damage suffered by reason of liens, encumbrances upon, defects in or the unmarketability of title to such real property, or adverse claim to title in real property, with reasonable examination to title guaranteeing, warranting or otherwise insuring by a

title insurance company the correctness of searches relating to the title to real property;

(b) Insuring, guaranteeing, or indemnifying owners of real property or others interested therein against loss or damage suffered by reason of defects in the authorization, execution, or delivery of an encumbrance upon such real property, or any share, participation, or other interest in such encumbrance, guaranteeing, warranting, or otherwise insuring by a title insurance company the validity and enforceability of evidences of indebtedness secured by an encumbrance upon or interest in such real property; or

(c) Doing any business in substance equivalent to any of the foregoing in a manner designed to evade the provisions of sections 44-1901 to 44-1917;

(2) Business of title insurance shall mean (a) the making as insurer, guarantor or surety, or proposing to make as insurer, guarantor or surety, of any contract or policy of title insurance; (b) the transacting or proposing to transact any phase of title insurance, including solicitation, negotiation preliminary to execution, execution of a contract of title insurance insuring and transacting matters subsequent to the execution of the contract and arising out of it, including reinsurance; or (c) the doing, or proposing to do, any business in substance equivalent to any of the foregoing in a manner designed to evade the provisions of sections 44-1901 to 44-1917 or sections 2 and 3 of this act;

(3) Title insurance company shall mean any domestic company organized under the provisions of Chapter 44 for the purpose of issuing policies or contracts of title insurance, any title insurance company organized under the laws of another state or foreign government and licensed to issue policies or contracts of title insurance within the state pursuant to the provisions of Chapter 44 and any domestic or foreign company having the power and authorized to issue policies or contracts of title insurance within this state;

(4) Applicants for insurance shall include all those, whether or not a prospective insured, who from time to time apply to a title insurance company, or to its agent, for title insurance, and who at the time of such application are not agents for a title insurance company;

(5) Risk premium for title insurance shall mean that portion of the fee charged to an insured or to

an applicant for insurance, for the assumption by the title insurance company of the risk created by the issuance of the title insurance policy;

(6) Fee for title insurance shall mean and include the risk premium, searching charge, and every other charge, whether denominated premium or otherwise made by a title insurance company or agent of a title insurance company or either of them, to an insured or to an applicant for insurance, for any policy or contract for the issuance of title insurance;

(7) Single insurance risk shall mean the insured amount of any policy or contract of title insurance issued by a title insurance company unless two or more policies or contracts are simultaneously issued on different estates in identical real property, in which event shall mean the sum of the insured amounts of all such policies or contracts. Any policy or contract that insures a mortgage interest that is excepted in a fee or leasehold policy or contract, and which does not exceed the insured amount of such fee or leasehold policy or contract, shall be excluded in computing the amount of a single insurance risk;

(8) Net retained liability shall mean the total liability retained by a title insurance company under any policy or contract of insurance, or under a single insurance risk as defined in or computed in accordance with subdivision (7) of this section, after the purchase of reinsurance; ~~and~~

(9) Title insurance agent shall mean an agent as defined in section 44-328 who is engaged in the business of selling title insurance as defined in subdivision (1) of this section;

(10) Department shall mean the Department of Insurance; and

(11) Director shall mean the Director of Insurance.

Sec. 2. Every title insurance company and title insurance agent shall annually report to the department, on a form and at the time prescribed by the department, the aggregate amount of all single insurance risks on all policies or contracts of title insurance transacted, underwritten, or issued by such company or agent.

The department shall make available to all title insurance companies and agents the accumulated total of the reported amounts.

Sec. 3. Commencing January 1, 1984, no title insurance company or agent shall in any one calendar

year transact, underwrite, or issue policies or contracts of insurance for which the aggregate amount of the single insurance risks exceed twenty per cent of the aggregate amount of the single insurance risks of all title insurance companies and agents for the previous calendar year.

Any title insurance company or agent which violates this section shall be prohibited from engaging in the business of selling title insurance for one calendar year.

Sec. 4. That section 44-1915, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-1915. The director may make reasonable rules and regulations necessary to effect the purposes of sections 44-201, 44-309.02, 44-413.01, and 44-1901 to 44-1917 and sections 2 and 3 of this act.

Sec. 5. That section 44-1917, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-1917. Sections 44-1901 to 44-1917 and sections 2 and 3 of this act shall be known and may be cited as the Nebraska Title Insurance Act.".

2. On page 9, line 3, strike "section 44-1902" and insert "sections 44-1901, 44-1915, and 44-1917"; and in line 4 strike "is" and insert "are".

3. Renumber original sections 8 to 10 as sections 6 to 8, respectively.

Mr. Von Minden asked unanimous consent to print the following amendment to LB 269 in the Journal. No objections. So ordered.

1. On the Hefner amendment on page 1051 of the Journal, on page 1, line 2, strike "four" and insert "three".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 403A. By Rupp, 22nd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 403, Eighty-eighth Legislature, First Session, 1983.

VISITORS

Visitors to the Chamber were seventh and eighth grade students and

teacher from Newport Grade School, Newport; 24 seniors and teachers from Palmer; and former Senator Willard Waldo from DeWitt.

RECESS

At 12:04 p.m., on a motion by Mr. Von Minden, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m, Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Cullan, Fenger, V. Johnson, Pappas, and Mrs. Marsh who were excused; and Messrs. Abboud, Beutler, DeCamp, Fowler, Haberman, Hefner, R. Johnson, Landis, Newell, Schmit, Mesdames Higgins, and Pirsch who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. Goll asked unanimous consent to be excused March 28, 29, 30, and 31. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 199A. Title read. Considered.

Mrs. Labedz 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 28 ayes, 4 nays, 6 present and not voting, and 11 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 235A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 5 nays, 5 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 309. Title read. Considered.

Standing Committee amendment, AM0603, found in the Journal on page 847 for the Forty-First Day was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 25 ayes, 3 nays, 13 present and not voting, and 8 excused and not voting.

NOTICE OF COMMITTEE HEARING
Government, Military & Veterans Affairs

LR 49	Tuesday, April 5, 1983	7:30 p.m.
LR 50	Tuesday, April 5, 1983	7:30 p.m.

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Fowler, Wiitala, Mrs. Marsh, and Miss Kilgarin asked unanimous consent to print the following amendment to LB 470 in the Journal. No objections. So ordered.

AM0750

1. In the Standing Committee Amendments: (a) On page 2, in lines 6, 10, and 23 strike "To the", show as stricken, and insert "The"; (b) on page 3, line 11, strike "To the", show as stricken, and insert "The"; in line 13 after "the" insert "general, direct, or indirect"; in line 23 strike "To the", show as stricken, and insert "The"; in line 24 after "the" insert "general, direct, or indirect"; and strike beginning with "the" in line 25 through "teeth" in line 26, show as stricken, and insert "those services and procedures authorized by section 9 of this act"; and (c) on page 4, line 2, after "adopted" insert "and promulgated"; in line 3 after "Health" insert "pursuant to section 12 of this act"; in line 4 strike "To the", show as stricken, and insert "The"; in line 5 after "the" insert "general, direct, or indirect"; in line 7 after "adopted" insert "and promulgated"; and in line 8 after "Health" insert "pursuant to section 71-193.13".

2. Insert the following new sections:

"Sec. 7. As used in sections 71-183 to 71-193.14 and sections 8, 9, 10, and 12 of this act, unless the context otherwise requires:

(1) General supervision shall mean that degree of supervision where the licensed dentist authorizes the service or procedure to be performed by a dental auxiliary but is not physically on the premises where and when such service or procedure is being performed;

(2) Indirect supervision shall mean that degree of supervision where the licensed dentist authorizes the service or procedure to be performed by a

dental auxiliary and shall be physically present on the premises where and when such service or procedure is being performed; and

(3) Direct supervision shall mean that degree of supervision where the licensed dentist authorizes the service or procedure to be performed by a dental auxiliary and shall be physically present to observe the procedure being performed or approve the work performed by the auxiliary before dismissal of the patient.

Sec. 8. (1) A licensed dental hygienist may be employed by (a) any licensed dentist, (b) any association, partnership, corporation, or other lawful entity owned or controlled by licensed dentists, (c) any public or private school, college, or university, (d) any hospital, medical clinic, or convalescent care facility, (e) any geriatric, maternal, infant, or handicap care center, or (f) any such additional agencies or institutions which are duly licensed by the Department of Health to provide health care services, including, but not limited to, oral health care services to the public.

(2) A licensed dental hygienist shall not be permitted to practice independently from the authorization and general, direct, or indirect supervision of a licensed dentist.

Sec. 9. (1) A licensed dental hygienist, under either the direct, indirect, or general supervision of a licensed dentist, may, when authorized to do so by a licensed dentist:

(a) Perform the scaling of teeth, including subgingival regions and root planing with hand and ultrasonic instruments;

(b) Conduct preliminary charting and screening examinations;

(c) Polish all exposed tooth surfaces with motor driven and hand instruments, in the oral prophylaxis procedure, including polishing amalgam restorations;

(d) Perform periodontal probing and charting;

(e) Perform gingival curettage;

(f) Provide preventive measures, such as the application of fluorides, sealants, and other recognized topical agents for the prevention of oral disease;

(g) Provide impressions for study casts;

(h) Apply topical desensitizing agents;

(i) Provide radiographic exposures;

(j) Provide oral health education for patients including the teaching of appropriate plaque control

techniques; and

(k) Perform or provide all of the duties that any other dental auxiliary is authorized to perform.

(2) A licensed dental hygienist, under either the direct or indirect supervision of a licensed dentist, may, when authorized to do so by a licensed dentist:

(a) Place and remove periodontal dressings; and

(b) Remove sutures.

Sec. 10. The services and procedures authorized in section 9 of this act shall be performed by the licensed dental hygienist (1) on patients of record of the licensed dentist who authorizes such procedures and services to be performed and (2) at the usual place of practice of such dentist or at the usual place of business of an entity employing the dental hygienist, unless such patient of record or place of practice or business restrictions are specifically waived by rule and regulation of the Department of Health in order for the dental hygienist to perform public health related services.

Sec. 11. That section 71-193.13, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-193.13. Any licensed dentist, public institution or school may employ dental auxiliaries, in addition to licensed dental hygienists. Such dental auxiliaries, under the general, direct, or indirect supervision of a licensed dentist, may perform such duties as are prescribed in accordance with rules and regulations adopted and promulgated by the Department of Health~~; PROVIDED~~, except that only a licensed dentist or a licensed dental hygienist may perform the scaling and polishing of teeth in the oral prophylaxis procedure.

Sec. 12. The Department of Health may, by rule and regulation, prescribe procedures and services in addition to those in section 9 of this act which may be performed by a licensed dental hygienist under the general, direct, or indirect supervision of a licensed dentist when such additional procedures are educational, preventive, or an essential part of the oral prophylaxis procedure and are intended to attain or maintain optimal oral health.".

3. On page 7, line 12, after "71-185," insert "71-193.13,"; and in line 14 after "1982," insert "and also section 71-193.09, Reissue Revised Statutes of

Nebraska, 1943,".

4. Renumber remaining sections accordingly.

Mrs. Morehead asked unanimous consent to print the following amendment to LB 440 in the Journal. No objections. So ordered.

AM0881

1. On page 2, in lines 3 and 4 strike "I misdemeanor", show as stricken, and insert "IV felony".

UNANIMOUS CONSENT - Member Excused

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 506. Title read. Considered.

Standing Committee amendments, AM0622, found in the Journal on page 847 for the Forty-First 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, 15 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Withdraw Proposed Rule Change

Mr. DeCamp asked unanimous consent to withdraw the proposed Rule Change found on page 943 of the Journal, concerning Rule 5, Section 5. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 24, 1983, at 2:15 p.m., were the following bills: 277, 438, 497, 19, 19A, 134, 241, 365, and 414.

(Signed) Jan Loder, Enrolling Clerk

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 447. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - AM0875.)

(Signed) Chris Beutler, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 234A. By Wiitala, 31st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 234, Eighty-eighth Legislature, First Session, 1983.

GENERAL FILE

LEGISLATIVE BILL 64. Title read. Considered.

Standing Committee amendments, AM0713, found in the Journal on page 934 for the Forty-Third Day were adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 4 nays, 12 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 170 in the Journal. No objections. So ordered.

AM0874

1. Insert the following new section:

"Section 1. That section 37-201, Revised Statutes Supplement, 1982, be amended to read as follows:

37-201. For the purpose of supplying revenue for the propagation, importation, distribution, protection, and conservation of the wildlife of this state, including all wild animals, birds, fish, and all things pertaining thereto, every person sixteen years of age or older who hunts for game animals or game birds or takes bullfrogs, or any other species as defined as game in section 37-101, or angles for fish, and every person sixteen years of age or older who engages in fur harvesting, shall first pay a fee as herein required and obtain a permit, except the owner or his or her invitee who angles for fish in any body of water (1) which is entirely upon privately owned land, (2) which is entirely privately stocked, (3) which does not connect

by inflow or outflow with other water outside said land, and (4) when such owner does not operate such body of water on a commercial basis for profit. ~~; Provided, that any~~

Any bona fide farmer or rancher, as described in section 37-215.03, ~~who owns or leases farm or ranch land, and~~ who actually resides on a portion of such farm or ranch land, together with members of his or her immediate family also residing on such land, may hunt, take, and possess, within duly established season bag and possession limits, upland game, and all game except migratory water fowl, shore birds, deer, antelope, and wild turkey without the necessity of paying a fee and obtaining a hunting permit, as required in sections 37-201 and 37-213, or a habitat stamp as required in sections 37-216.01 to 37-216.09. For ~~, and for~~ the purpose of this exemption, the term immediate family shall mean and be limited to husband and wife and their children. The ~~, and the~~ term upland game shall mean and be limited to cottontail rabbits, squirrels, grouse, partridges, pheasants, prairie chickens, and quail. Such exemption shall only apply to hunting done on ~~the home farm or ranch~~ land owned or leased by the bona fide farmer or rancher, and shall not apply when hunting on the lands of other persons. The Game and Parks Commission may by rule and regulation require a farmer or rancher, hunting under the provisions of this section, to sign a statement presented by a conservation officer, which states that such farmer or rancher is a bona fide farmer or rancher as described in section 37-215.03 of the land upon which he or she is hunting.

A violation of the provisions of this section shall be a Class IV misdemeanor. ~~or on land owned by the exempted farmer or rancher and not directly connected and contiguous with the land upon which the farmer or rancher actually resides; Provided, that any~~

Any farmer or rancher owning or operating a farm or ranch may destroy or have destroyed any predator, including raccoon and opossum, preying on livestock or poultry or causing other agricultural depredation on lands owned or controlled by him or her without a permit issued by the Game and Parks Commission.".

2. On page 4, line 21, strike "section" and insert "sections 37-201 and".

3. Renumber original sections accordingly.

STANDING COMMITTEE REPORTS

Constitutional Revision and Recreation

LEGISLATIVE RESOLUTION 2. Placed on General File as amended.
Standing Committee amendments to LR 2:
AM0892

1. On page 1, line 10, strike "subsection" and insert "subsections"; and in line 11 after "(2)" insert "and (3)".

2. On page 2, strike beginning with "proceeds" in line 9 through "property" in line 10 and insert "money"; in line 10 strike "law" and insert "enforcement of the drug laws"; strike beginning with "counties" in line 11 through "provide" in line 12 and insert "county general fund in the county in which such confiscation was made. Such money may be used for drug enforcement purposes as provided by the county governing body"; in line 12 after the underscored period insert the following new subsection:

"(3) Law enforcement agencies may use motor vehicles or aircraft forfeited pursuant to enforcement of the drug laws for up to one year. Upon the sale of such motor vehicles or aircraft, the proceeds shall be appropriated exclusively to the use and support of the common schools as provided in subsection (1) of this section."; strike beginning with "proceeds" in line 18 through "property" in line 19 and insert "certain money"; and in line 21 after "purposes" insert "and to allow the use of certain forfeited motor vehicles or aircraft by law enforcement agencies".

LEGISLATIVE RESOLUTION 4. Placed on General File.
LEGISLATIVE RESOLUTION 19. Placed on General File.

(Signed) Bernice Labedz, Chairperson

GENERAL FILE

LEGISLATIVE BILL 213. Title read. Considered.

Standing Committee amendments, AM0350, found in the Journal on page 555 for the Twenty-Ninth Day were considered.

Mr. Hefner offered the following amendment to the Standing Committee amendments:

1. On page 1 of the Standing Committee Amendments to LB 213, strike beginning with "and" in line 17 through "act" in line 20, and insert "in line 23, strike "ten"; and in line 24, reinstate the stricken language".

The amendment was adopted with 18 ayes, 0 nays, 23 not voting, and 8 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Kahle renewed his pending amendment, AM0864, found in the Journal on page 1066.

Mrs. Labedz requested a ruling of the Chair on whether the Kahle amendment is germane to the bill.

The Chair ruled the amendment not germane to the bill.

Mr. Beyer offered the following amendment:

On page 51, line 8, after the word "section", insert the following:

"During such days and hours, alcoholic beverages in licensed premises which are open for business shall not be visible to the public and shall be made inaccessible to the public by removing them from that portion of the premises open to the public or securing them in locked storage or display containers."

The amendment lost with 7 ayes, 12 nays, 23 present and not voting, and 7 excused and not voting.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

MR. LANDIS PRESIDING

Mr. Hefner moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Advanced to E & R for Review with 29 ayes, 2 nays, 10 present and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

Mr. DeCamp asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 213A. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 477. Placed on General File.

LEGISLATIVE BILL 478. Placed on General File as amended.
Standing Committee amendments to LB 478:
AM0872

1. On page 2, line 25, strike "five", show as stricken, and insert "four".
2. On page 3, strike beginning with "and" in line 5 through "competency" in line 6.
3. Strike original section 3.
4. On page 4, strike line 10 and show the old matter as stricken; and in line 12 after the stricken "(3)" insert "(1)", after the stricken "He" insert "or she", and reinstate beginning with the stricken "He" through line 15.
5. On page 6, line 15, strike "7" and insert "6" and strike the comma after "act" and insert an underscored period; and in line 17 strike "81-8,110.08,".
6. Renumber the remaining sections accordingly.

(Signed) David Landis, Chairperson

Public Works

LEGISLATIVE BILL 595. Placed on General File.

LEGISLATIVE BILL 316. Indefinitely postponed.
LEGISLATIVE BILL 462. Indefinitely postponed.
LEGISLATIVE BILL 512. Indefinitely postponed.
LEGISLATIVE BILL 574. Indefinitely postponed.
LEGISLATIVE BILL 609. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 43. Placed on Select File as amended.
E & R amendments to LB 43:
AM5071

1. On page 1, line 1, strike "84-1408,"; and in line 4 after the semicolon insert "to redefine terms; to change provisions relating to closed sessions;".
2. In the Standing Committee amendments, page 5, line 22, strike the comma and show as stricken.
3. In the Hoagland, et al amendment, page 2,

line 5, strike "in" and insert "at".

LEGISLATIVE BILL 465. Placed on Select File as amended.
E & R amendments to LB 465:
AM5072

1. In the Standing Committee amendments, page 1, lines 18 and 19, strike the new matter.

2. In the DeCamp amendment, page 1072 of the Journal, in line 1 of the new language before "Notwithstanding" insert "(2)"; in line 6, strike "Provided however, that nothing" and insert "Nothing" and strike "act" and insert "section"; strike the last sentence and insert "This subsection shall not apply to annexations occurring on or after September 1, 1984."; and insert underscoring in the remaining provisions.

LEGISLATIVE BILL 432. Placed on Select File as amended.
E & R amendments to LB 432:
AM5073

1. On page 1, line 2, page 2, line 2, and page 10, line 1, after "1982," insert "as amended by section 4, Legislative Bill 248, Eighty-eighth Legislature, First Session, 1983,".

2. For purposes of correlation with section 4 of Legislative Bill 248, on page 7, line 23, strike "after December 31, 1977,"; and in line 25, after "education" insert "prior to September 3, 1982"; and on page 8, line 5, after "vacation" insert ", except that after September 3, 1982, if compensation is denied to any individual under subdivision (h)(3) of this section and such individual was not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, such individual shall be entitled to a retroactive payment of compensation for each week for which the individual filed a timely claim for compensation and for which compensation was denied solely by reason of subdivision (h)(3) of this section".

(Signed) Rod Johnson, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 225A. By Hefner, 19th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the

provisions of Legislative Bill 225, Eighty-eighth Legislature, First Session, 1983.

GENERAL FILE

LEGISLATIVE BILL 234. Title read. Considered.

Standing Committee amendments, AM0605, printed separate from the Journal and referred to on page 952 for the Forty-Fourth Day were adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Wiitala renewed his pending amendment, AM0840, found in the Journal on page 1095.

The amendment lost with 24 ayes, 0 nays, 17 present and not voting, and 8 excused and not voting.

Mrs. Pirsch moved to reconsider the Wiitala amendment.

The motion to reconsider prevailed with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

The Wiitala amendment was adopted with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

ANNOUNCEMENT

Mr. Carsten announced the Revenue Committee will be meeting in Executive Session at 8:00 a.m. on Friday, March 25, 1983 in Room 1520.

VISITORS

Visitors to the Chamber were Mr. Dean Loftis from northern Sarpy County; 31 fourth grade students and teachers from Lost Creek School, Columbus; 37 seventh grade students and sponsors from St. Paul Public School, St. Paul; and Floyd Vrtiska, Pawnee County Commissioner.

ADJOURNMENT

At 4:33 p.m., on a motion by Mr. Goll, the Legislature adjourned until 9:00 a.m., Friday, March 25, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SECOND DAY - MARCH 25, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 25, 1983

Pursuant to adjournment, the Legislature met at 9:04 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Dr. Lee R. Wigert, Pastor of Faith United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. V. Johnson, Mesdames Labedz, and Marsh who were excused; and Messrs. Cullan, Hoagland, Schmit, Wagner, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-First Day was approved.

MESSAGE FROM THE GOVERNOR

The following constitutes Governor Kerrey's message, Economic Development Policies For A More Productive Nebraska, as delivered to the Legislature on March 24, 1983, referred to on page 1108, Fifty-First Day's Journal.

Today, I want to review with you Nebraska's economic health, our strengths with regard to economic development, the philosophy which guides me in this area, actions and proposals to date, and finally, new proposals.

The Nebraska economy has been shaped and strained by a wide variety of national and international influences. It exhibits a number of peculiar weaknesses; these are factors we must come to terms with.

The international community, for example, has been laboring under tremendous pressure since last fall. Consequently, the market for

U.S. exports has decreased, adversely affecting Nebraska agriculture and manufacturing.

Equally significant is the national recession, which has brought us to the highest level of unemployment and business failure rate since the Great Depression. Families with little income cannot afford to purchase Nebraska food and products. Instead of being supply-sided, we have been broad-sided by national economic policies.

This is readily apparent when we examine the burgeoning federal debt. The sale of federal bonds to cover the debt forces U.S. interest rates to remain higher than in other countries. As a result, the cost of the American dollar makes it more expensive to purchase U.S. goods with foreign currency.

The run-away federal debt also places Nebraska farmers and business people in a difficult situation. They must compete with their counterparts in other states and with the federal government for funds.

Needless to say, these forces have produced a serious economic picture for Nebraska. In February of this year, for example, our unemployment rate was 7.9%. It had decreased incrementally from an all-time high of 8.0% in January. However, Nebraska's February unemployment rate was still 1.7 points higher than February, 1982; 2.8 points higher than February, 1981; and 3.8 points higher than February, 1980.

Not surprisingly, Nebraska paid out over $8.6 million in unemployment benefits during January, as compared with $6 million in December and $6.3 million in January, 1982. The human costs of unemployment are, of course, equally staggering.

Nebraska's agricultural sector has also taken a number of crushing blows. Trading terms for farm products have deteriorated. Increases in prices paid by farmers have been met by decreases in the prices they receive.

Today, total net farm income has fallen to the lowest levels recorded since 1962. Reverberations have been felt in every portion of Nebraska's economy. A key example involves the number of workers employed in farm machinery and equipment. That number dropped an overwhelming 39% from February, 1982 to February, 1983. I've remarked on numerous occasions that one out of three Nebraskans owes his or her job to agriculture. It should therefore be abundantly clear that when agriculture suffers, we all suffer.

Forecasts of the near future underscore the need for a concerted, cooperative public/private partnership. The USDA now projects a 5%reduction in 1983 farm exports. It seems certain that Nebraska farms and business will continue to fail at record rates, and that land values will continue their steady decline.

As we address these issues, we must bear in mind that past efforts have often been inadequate. For Nebraska, this is especially true in terms of our state programs for small-to-medium sized businesses.

In a nationally-distributed study published last October by INC.

magazine, states were rated on their efforts to assist in the establishment and retention of small, growing businesses. Nebraska was recognized for having a high quality labor force, with a high percentage of high school graduates and value added per worker greater than the average of all states.

However, the study also reported some serious disadvantages for small businesses in the state. Three factors were emphasized: Our lack of Small Business Investment Corporations, our lack of state programs to assist small businesses in securing long-term loans and equity financing, and a lack of technical aid.

The states in which small businesses are thriving are those who have developed financing programs similar to those I will advocate for Nebraska.

While it is true that our economic situation is compelling in its gravity, we must not be overwhelmed. Our people have developed a willingness to confront our economic shortcomings objectively and without flinching. I believe such candor is necessary if we are to truly assess our needs. However, let's assess our assets with the same vigor - the same candor. There is absolutely nothing wrong with the unabashed enthusiasm this state's resources warrant.

Nebraska is, relatively speaking, a young state. But we have already accomplished a great deal. And we've made tremendous strides in very recent history. Remember that active, wide-scale irrigation has existed for only one generation. Remember that many parts of the state were not serviced by electricity 50 years ago.

Remember that there was no East-West Interstate Highway to bind the state together 30 years ago.

Today, Nebraska has a bounty of attractions and accomplishments to offer prospective businesses and industries. Our state and community colleges, universities, and vocational-technical schools consistently produce highly-qualified workers. Our primary and secondary schools provide a firm foundation for Nebraska's youth, as seen in our students SAT scores - which rose while the national average fell.

Our citizens are productive, highly-motivated, and hard-working. We have been blessed by many gifted individuals, now and in the past, who have used their ideas and talents to benefit Nebraska. At present, for example, we have a whole new generation of highly-technically competent farmers and ranchers who possess a very contemporary world view. Their vision is commendable.

Furthermore, the citizens of this state constantly seek ways to improve the quality of life in Nebraska. They belong to volunteer organizations. They donate their time and resources to advocate for the causes to which they are committed.

They are equally effective in professional capacities.

The people in the State Department of Economic Development, are always prepared to aid new businesses in securing high-quality labor, good locations, and potential financing.

The people in our area Chambers of Commerce represent an outstanding resource whose complete potential has not yet been realized. Given additional tools to offer industry, these Chambers can improve their now-excellent record of attracting vital new industries.

The Nebraska Diplomats are a veritable army of Nebraska business leaders, ready and willing to undertake a variety of important tasks.

These include selling the state to other businesses, contacting alumni of our state colleges and universities who are now in key national and international business community positions, and to attest to the state's excellent business potential.

Add to these human resources, such attractions as our central location, well-maintained transportation networks, tremendous recreational system, quality environment, and a natural resource base with the potential for increased agricultural and industrial activities. I think it is very clear that Nebraska has a wealth of diverse resources and potentials of which we can all be proud. But let me emphasize again that our people are the key factor - people who build the roads, maintain the parks, teach our students, produce the quality products. No program or proposal can create or replace the individuals who make this state strong. No program or proposal will work without the people to make it work.

Having discussed the current state of Nebraska's economy and economic development strengths, I would like to discuss the philosophical underpinnings of my approach to economic development.

Obviously, successful economic development is a tremendously broad, complex undertaking. I believe that a number of factors must be present in order for development to truly succeed.

A healthy and productive labor force must be available; technical assistance must be provided, commensurate with the rate of technological expansion; the environment, upon which we depend for precious resources and for personal enjoyment, must be protected; a social infrastructure of smoothly-functioning institutions, such as government agencies and financial institutions, must be available; the citizenry must be well-educated, in order that they can be productive, confident, and active in the community decisions which are necessary to enhance economic development.

This philosophy suggests a number of specifics. First, economic development projects must be scrutinized in terms of long-range sustainability of the resource base, job opportunity, tax revenues, and income flow.

Second, greater attention must be given to small businesses, where new employment is currently created. Although attraction of outside businesses is important, we cannot afford to neglect existing Nebraska businesses and small businesses. Indeed, an MIT study has demonstrated that small firms (those with fewer than 20 employees) generated 66% of all new jobs in the U.S. in the 70's.

Third, we must recognize the role of technology. Technological advancements have become an integral part of dynamic businesses and industries. We must develop the ability to respond to these advancements. Similarly, our learning institutions must prepare future employees with the requisite technical skills.

Fourth, we need to objectively assess various financing mechanisims for housing, industry, and agriculture to determine their viability for the 1980's.

Fifth, we must bear in mind that the quality of life in a state can be either an incentive or disincentive to prospective businesses. This includes a spectrum of concerns, ranging from availability of recreation to quality of education and from availability of the arts to concern for the environment.

With current state economic conditions and this philosophy in mind, we have already taken a number of important steps in the appropriate direction.

First, as I took office, I indicated to you that economic development would be pursued aggressively by my administration.

I said I would work toward this goal in part by targetting and recruiting food processing and communications industries. I told you that I would also recognize and respond to the crucial elements of any relocation or expansion decision - elements including financing, growth potential, and state quality of life.

Second, one month later, I took my budget message to the State Legislature. That budget included an increase of funding to the industrial development division of the Department of Economic Development. It also provided $50,000 for a Food Research Center, to assist us in advancing the food processing industry in Nebraska. I called for appointment of the new Director of Economic Development; since that time, the position has been filled by the very capable Don Dworak.

Third I announced earlier this month, the creation of the Small Business Revitalization Program. This program will put $80,000 in federal funds to work promoting the development of permanent, private sector jobs in the state.

Four business financing offices have been established across Nebraska to assist in the development of long-term small business financing packages. Clearly, loans will not be provided to rescue un-profitable ventures. Rather, loans will be channeled toward sound capital investments in new plants and equipment.

Let me add here that I supported LB 71, which has been passed and signed. We will be moving forward to carry out the intent of this bill which is to free block grant monies for use in economic development projects.

Fourth, the Nebraska Energy Office has identified the energy needs of the various sectors of our economy. Special attention is being paid to our agricultural industries recognizing our dependence on energy and the projected increases for energy in agriculture. Numerous things are being done, such as peak load management studies and the

promotion of conservation and weatherization programs, particularly low-income weatherization.

Because a measure of predictability in energy costs is necessary for farmers and businessmen alike, the office is working towards stablizing the energy environment at the local level. This is being done chiefly through financial support of both the load management and community energy management programs.

The office is injecting over $3.8 million into the important construction industry through weatherization programs. These programs simultaneously benefit government, schools, hospitals, the elderly, the low income, and the construction industry. In fact, a new energy conservation industry is emerging, thanks to demand for insulation, energy-efficient windows, and new energy systems.

Fifth, earlier in my administration, I indicated that I was considering the possibility of public works expenditures to assist in resolving the problem of unemployment. I have decided against that because of the spending constraint on the budget and because of the introduction of the Federal Jobs Partnership Training Act. I identified the Federal Jobs Partnership Training Act as an important measure for the well-being of our economy and labor force. Since I presented my budget message, I have appointed the Nebraska State Job Training Council. The council is composed of 13 representatives from business, and eight representatives each from state agencies and organizations, local government, and the general public.

I am pleased to report that the Council met for purposes of orientation on March 11th. Criteria for Service Delivery area designation were selected and distributed throughout the state. At present, hearings are being conducted in the various state regions concerning this process.

Sixth, the Nebraska Department of Labor will serve an estimated 1,400 youth this summer through the 1983 Summer Youth Employment Program. This CETA program provides economically disadvantaged teenagers with summer jobs at the minimum wage.

These teenagers will be working with a variety of non-profit public and private organizations. The organizations provide training and supervision, CETA provides job funding.

Seventh, I have approved LB 114, which repeals the July 1, 1984 termination date of the Nebraska Visitors' Development Act. It contained an additional sales tax of 1% on lodging, with proceeds used to encourage tourism in the state, and allowed counties the opportunity to continue an additional sales tax of up to 2% to encourage area tourism.

I am pleased to report the 20 counties have already adopted the local tax. We should not underestimate the importance of these promotional monies. They allow us to paint for the rest of the nation a word picture of tourist opportunites in Nebraska.

Eighth, I want to recognize the Unicameral for its prompt action on the multi-bank bill. Successful passage of this multi-bank holding

company legislation is a major and commendable step toward developing a modern, responsive banking system. Removal of this divisive issue from the legislative agenda paves the way for consideration of other important efforts to structure a financial system which can successfully address today's capital demands.

I would like to pause here to thank Senator John DeCamp for his efforts in securing passage of this important banking bill as well as his work on the lodging tax bill.

Ninth, we established a public/private cooperative effort to assist recession-plagued farmers and ranchers in the state.

The Agricultural Recovery Program Task Force announced earlier this year is, I believe, a potent force in the battle to restore prosperity and stability to Nebraska farms and ranches.

The Task Force has already determined that immediate efforts should concentrate on working closely with the Farmers Home Administration in processing requests for financial assistance from our farmers and ranchers. The Task Force is convinced that the FmHA guarantee loan program offers the greatest short term potential.

Furthermore, Nebraska Bankers and ag-related industries are currently engaged in the development of a new method of financial support. This method would place on the state payroll loan processing specialists who would be available to the Farmers Home Administration. A contractual agreement between the state and the FHA will formalize the process. Final details are now being ironed out; April 1 of this year has been established as the operational target date.

The actions we have taken to date, coupled with the great strenths of this state, represent a positive, feasible response.

Now for my new proposals.

I am first of all proposing the creation of a statewide financing authority called the Nebraska Investment Finance Authority. It will be a publicly chartered, public purpose privately funded organization.

It will require that we consolidate the boards of the Mortgage Finance Fund, the Development Finance Fund, and the Agricultural Development Finance Fund. The new authority will have three divisions:

1. The Mortgage Finance Fund Division
2. The Development Finance Fund Division
3. The Agricultural Finance Fund Division

NIFA would retain the power to issue bonds for purposes of housing, agriculture, and development, but would be capable of doing so in a more efficient, less duplicative manner. The staff will no longer be accountable to three bosses; rather there will be one central board.

In addition, consolidation will provide economies of scale with respect to staffing. It will also eliminate accounting problems staff has encountered in dealing with three discrete bodies.

NIFA will have a significant state view; it will insure that investment occurs throughout the state. NIFA staff will also provide technical assistance to local governments and small companies which

often cannot afford the cost of industrial revenue bond use.

IDA bond financing is far too concentrated. In the past 20 years, none of these bonds have been issued for 42 counties, and only one issue has been made in 15 counties. NIFA will increase the volume of financing throughout the state.

My proposal includes a blanket authority to issue large blocks of development bonds which can be used to finance a number of diverse projects. This will reduce the risk of the bond issue which will increase the overall rating and lower the interest rate.

It is also time for us to expand the use of the Nebraska Development Finance Fund to commercial projects. My proposal includes this request. For too long we have been subsidizing other states' activities by worrying about the abuse of commercial bonds. The NIFA board can and will develop guidelines to minimize abuse.

The establishment of NIFA will allow us to target businesses which are critical to the infrastructure of a region. We can identify entrepreneurs who will make use of loanable funds for productive capacities.

NIFA will allow more businesses to access low interest loans, and more importantly, to access long-term fixed interest rates. It will allow us to bring in more funds from outside the state into our economy.

In addition to the establishment of the Nebraska Investment Finance Authority I intend to provide leadership to strengthen the Nebraska Business Development Corporation.

The Nebraska Business Development Corporation is a wholly private organization directed by its own Board of Directors, representing many major private businesses. It holds enormous potential as a development financing tool. It is clear that the NBDC needs to broaden its capital base. At present it is undercapitalized by about $300,000. I believe that it can reach a more realistic objective by implementing the following measures.

First, the borrowing base needs to be expanded. This would entail moving quickly and agressively after loans, and enlisting the assistance of more financial institutions, banks, savings and loans, and insurance companies.

Second, NBDC should explore equity financing opportunites for small businesses, possibly under the auspices of Small Business Development Corporations. Third, I will suggest the Economic Development Advisory Committee serve as a steering committee to assist in a leadership role.

I will establish three task forces by April 15, 1983 to conduct inquiry into additional financial concerns which are of importance to Nebraska.

The first task will be to deal with how to increase equity financing for new and expanding small businesses. Small businesses, especially young firms have difficulty in Nebraska obtaining the equity capital necessary until they are making sales sufficient to be able to depend more exclusively on borrowed funds. The task force report will be due

to me by August 30, 1983.

The second task will be to study state pension fund investments. At present, pension funds account for approximately 50 percent of the equity capital in the United States. State pension funds account for a sizable portion of that total.

Recognizing the importance of these funds, more and more states have regarded their own pension funds as a means to finance internal development. As a result, those funds are no longer available for business in other states, meaning that an automatic credit shortage exists in the states that continue to send most of their pension funds out.

Kansas, Ohio, California, and Massachusetts are among the most active states in this regard. Kansas, for example, has a number of in-state funds for pension investment, including the Kansas Equity Fund, the Kansas Debt Fund, and the Kansas Liquidity Fund. Other states, such as Ohio, invest in risky endeavors to secure a high rate of return.

At present, Ohio invests 5 percent of its funds in venture capital, and is now providing $20 million of a $30 million dollar fund for promotion of high technology development.

I certainly do not advocate the use of high risk investments for the state pension funds of Nebraska. Therefore, so that we can know how to target pension funds of Nebraska entrepreneurs in a manner consistent with both the prudent man rule and the greater return on investment ideal, I propose formation of the Pension Investment Study Group.

I intend that the study group will offer recommendations to achieve the following objectives. First, to increase the rate of return on pension funds in order to lower the cost to participants. Second, to minimize risk while at the same time enhancing job opportunities in Nebraska.

This can be accomplished by establishing rules which provide secured mortgage loans to vital, growing businesses with clear records of good management. Third, to use pension funds for purposes of establishing Small Business Investment Corporations which are Nebraska-oriented. Forth, to increase the economic multiplier in the economy through the return of pension funds to Nebraska. And finally, to direct funds to in-state residential mortgages. The pension report will be due to me by August 30, 1983.

The Third Task Force, the Communications Industry Development Task Force, will also be appointed by April 15, 1983 and will present its report to me by August 30, 1983. It will be directed to study two general areas: development and regulation. In the area of Development, we will need to assess the technical and scientific personnel needs and the institutional resources to meet those needs.

We must evaluate the potential and abilities of our institutions of learning to educate future scientists and engineers, to engage in programs of research, and to serve the development process.

We must ascertain the most effective ways to develop and retain

productive people. Nebraska, with its tremendous quality of life, should have a great advantage in this regard.

We should not doubt our ability to compete in research and development. Nebraska has already gained an international reputation in the field of videodisc technology. The Videodisc Production Group, housed at our own Educational Television Network, has emerged as a national research center on educational and computer applications of disc technology. This is a strong base upon which we can and must build.

Nebraska has substantial potential for becoming a more important national communication center. Part of the Communications Development task force's function will be to assess our strengths in this growing field, and to target the specific areas where we should direct our efforts.

On the regulation side, we must assess our current regulation of the telecommunications industry in light of the new federal deregulation. There may be opportunities here which would not jeopardize service or price to Nebraska consumers.

I am also proposing legislation to revise and expand the scope of our current agricultural products marketing act. My intent is to continue to provide an agressive marketing program for Nebraska products and commodities, directed particularly at foreign markets.

To this end there will be a consolidation of marketing efforts into a Marketing Division in the Department of Economic Development. Specialists in the export of both agricultural and non-agricultural products will be used, as well as individuals with general marketing expertise.

Constant contact between the DED and the Department of Agriculture will be maintained in order to provide input from those most intimately involved with our state's number one industry.

The purpose of this effort is clearly one of education and outreach. We must make producers of agricultural and non-agricultural products and commodities in Nebraska aware of potential domestic and international markets. We must link producers with potential financing arrangements for export ventures.

We are beginning work in other areas which have great potential.

One is to establish a program of loan guarantees and reinsurance for export agreements. Currently the Foreign Credit Insurance Association does not fully cover small export businesses.

Another is to look seriously at constitutional limitations which are preventing us from using all the opportunities available. For example, Iowa has received $18 million in Urban Development Action Grant Funds while Nebraska has received only $825,000. Massachusetts received approximately 25% of the UDAG funds in the nation. Senator Vard Johnson should be congratulated for raising this issue and I will cooperate with the Senators as they proceed to review this issue.

We will also begin a commodity flow study to explain where our

agricultural products are raised and shipped, where they are processed, and where they are retailed. Without this knowledge we will not be able to assess the impact of policies regarding agriculture, energy, or the establishment of food processing industries.

We will work with the Institute of Agriculture and Natural Resources to strengthen agricultural production and utilization. This will include broadening the number of commercial crops and agricultural products.

In addition to our concern with financial issues, I propose to strengthen research and development in the state. Ability to use the most modern, cost-efficient technology has become the key to survival for virtually all contemporary industries. It is government's responsibility to make certain that the research and development institutions are sufficiently equipped to maintain a thriving economy.

We must remember that our colleges and universities play a pivotal role in any framework of economic development. Technological advancements are a key factor in growing and dynamic economic processes. In fact, there is a mounting perception that high technology industries are the impetus for maintaining and improving an effective economy at home and abroad. Consequently, our colleges and universities become integral components of economic development, particularly in terms of basic research and technical assistance.

A survey by the Joint Economic Committee of the U.S. Congress further attests to the importance of higher education. The survey revealed that the availability of highly skilled workers, scientists, and technical professionals has been the most significant influence on the location of high technology companies. Because nearly all of our companies will have a strong science component in the future, this will become an even more decisive factor. As the survey suggested: "The roll of the university is important because universities are the major source of new ideas upon which high technology companies so heavily depend to remain competitive."

For these reasons, I will increase and strengthen the link between the University and the economy.

I will direct the Department of Economic Development to establish a liaison with the expertise and research facilities of our colleges and universities. This liaison can be used to aid businesses in addressing product development problems.

I believe that these proposals, the actions we have taken to date, and the tremendous strengths of this state constitute a powerful, three-pronged approach to Nebraska's economic development. Frankly, I have grown tired of hearing economic developers bemoan that it is impossible to make progress. The reality is that we have a great deal to work with right now. Our task is to build on it wisely.

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 152. Placed on General File as amended.
Standing Committee amendments to LB 152:
AM0893

1. On page 3, line 27, after "may" insert a comma.

2. On page 4, line 1, after "bidding" insert a comma and strike "and" and insert "or"; and on line 5 after "equipment" insert ", upon certification by an engineer or engineers that such manufacturer is the only available source of supply for such replacement parts or services and that such purchase is in compliance with standards established by the board. A written statement containing such certification and a description of the resulting purchase of replacement parts or services from the original manufacturer shall be submitted to the board for its approval at the next scheduled meeting of the board by the engineer or engineers certifying the purchase. After such certification, but not necessarily before the board review, notice of any such purchase shall be published once a week for at least three consecutive weeks in one or more newspapers of general circulation in the district and published in such additional newspapers or trade or technical periodicals as may be selected by the board in order to give proper notice of such purchase".

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Sieck asked unanimous consent to print the following amendments to LB 118 in the Journal. No objections. So ordered.

AM0878

(1)

1. On page 3, after line 10 insert:

"(3) The Department of Motor Vehicles may provide a distinctive license plate for all motor vehicles owned or operated by the state, counties, municipalities, or school districts. Such government owned motor vehicles shall display such distinctive license plates when such license plates are issued.";

and strike "is" and insert "and also section 60-1003, Reissue Revised Statutes of Nebraska, 1943, are".

AM0879

(2)

1. Insert the following new section:

"Sec. 2. That section 60-311.14, Revised Statutes Supplement, 1982, 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 not used for hire, which plates shall carry the internationally accepted wheelchair symbol, which symbol is a representation 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 disabled person. Such plates shall be used by such person in lieu of the usual license plates. For purposes of this section, disabled person shall mean a person who has permanently lost the use of two or more extremities or is confined to a wheelchair.".

2. On page 3, line 11, strike "section" and insert "sections", and before the comma insert "and 60-311.14"; and in line 12 strike "is" and insert "are".

3. Renumber remaining sections accordingly.

Messrs. Haberman, Wiitala, DeCamp, Hoagland, Wesely, Schmit, Mesdames Marsh, Morehead, Labedz, Higgins, and Miss Kilgarin asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM0876

1. Insert the following new section:

"Sec. 4. That section 42-364.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

42-364.03. Upon the filing of an application to withhold and transmit earnings, the court shall set a date, time, and place for a hearing thereon, which hearing shall be set not more than three weeks later than the date such application is filed. The applicant shall then cause to be served on the employer a copy of the application, a notice of hearing, and interrogatories to be completed and returned by the employer to the court no later than three days prior to the hearing. When the employer is the State of Nebraska, service shall be had upon such employer by causing to be served upon the Director of Administrative

Services a copy of the application, a notice of hearing, and interrogatories to be completed and returned by such employer to the court no later than three days prior to the hearing. The ~~, which~~ interrogatories when completed shall show whether the parent-employee is an employee of the employer, whether such parent-employee performs work or provides services or makes sales for the employer in Nebraska, the present length of employment of the parent-employee with the employer, the present pay period for such parent-employee, the average earnings for such parent-employee per pay period, the average disposable earnings for such parent-employee per pay period, and the name and address of the person, office or division of the employer responsible for the preparation of the parent-employee's earnings payments. The applicant shall also cause to be served on the parent-employee a copy of the application and a notice of hearing.".

2. On page 8, line 23, strike "8 and 9" and insert "9 and 10".

3. On page 11, line 14, after "8." insert "(1)"; and after line 27, insert "(2) If the decree contains an order or judgment for child support, it shall include the following statements:

Notice

In the event (respondent or petitioner) fails to pay any such child support payment, he or she shall appear before this court on a date to be determined by the court and show cause why such payment was not made. In the event that the (respondent or petitioner) fails to pay and appear as so ordered, a warrant shall be issued for his or her arrest.".

4. On page 12, line 12, after "The" insert "clerk of the"; in line 19 strike the second "or", show as stricken, and insert "," and after "alimony" insert ", or modification of the same"; and in line 20 after "sums" insert "to be made commencing on the first day of each month".

5. On page 18, lines 11 and 27, strike "seventy-five", show as stricken, and insert "seventy".

6. On page 14, line 13, after "county" insert ", subject to the approval of the county board,"; in line 14, strike "or deputized"; and in line 16 after "with" insert "section 42-358 and".

7. On page 16, line 5, after the comma insert "as provided in section 43-512,"; in line 12 after "28-706" insert ", if the attorney is the county attorney or a deputy county attorney,"; in line 14 after

"43-512.03" insert ", if the attorney is an attorney other than the county attorney or deputy county attorney,"; and in line 21, after the underscored comma insert "as provided in section 43-512,".

8. On page 17, line 3 strike "or authorized attorney"; in line 9 after "attorney" insert "or an attorney appointed by the district court to initiate enforcement proceedings"; and in line 14 after "attorney" insert ", as provided in section 43-512,".

9. On page 19, line 16; page 20, lines 12 and 17; page 24, lines 14, 18, 22, and 24; and page 25, lines 14 and 19, strike "16 to 30" and insert "17 to 31".

10. On page 21, line 7, strike "19" and insert "20"; and in line 16 strike "20" and insert "21".

11. On page 22, line 22, strike "21" and insert "22".

12. On page 23, lines 12 and 17, strike "22" and insert "23"; and in line 19, strike "21" and insert "22".

13. On page 24, line 6, strike "24" and insert "25"; after the underscored period insert "The Department of Public Welfare shall within thirty days of receipt notify the clerk of the district court of the final amount of such setoff received by the department.".

14. On page 25, line 21, after "42-364.02," insert "42-364.03,".

15. In the Standing Committee Amendments on page 717 of the Journal, (a) on page 1, strike lines 1 through 19; (b) on page 2, strike beginning with the second "13" in line 11 through "(2)" in line 12 and insert "7"; and strike lines 13 through 22; and (c) renumber the remaining amendments accordingly.

16. Renumber the remaining sections accordingly.

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 24, 1983. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Brakenhoff, Loren - Lincoln, District 30
Emra, Christina - Eagle, Loren Brakenhoff
Erickson, Sederstrom, Leigh, Eisenstatt, Johnson, Kinnamon, Koukol & Fortune, P.C.:
Thone, Charles - Lincoln, Computer Sales Tax Committee
Farrell, Dianne - Chantilly, VA, (Withdrawn 2/11/83), Recreation Vehicle Industry Association
Hughes, J. Michael - Lincoln, Mothers Against Drunk Drivers
McCullough, Mardy - Grant, Nebraska Land Title Association
Merritt, Jack C. - Lincoln, Ray's Music
Smith, James D., D.C. - South Sioux City, Nebraska Chiropractic Physicians Association
Weaver, Walter D. - Plattsmouth, Allied Chemical Company, Farmland Industries, Inc.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. DeCamp asked unanimous consent to have his name added as co-introducer to LB 183. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 53.

Introduced by Morehead, 30th District.

WHEREAS, the Southeast Community College, Fairbury Campus, Men's basketball team finished third in the National Junior College Athletic Association Tournament; and

WHEREAS, the capturing of third place in a national tournament is a demonstration of the willingness of this team and its coach Dana Altman to endure the hard work and struggles associated with significant accomplishments; and

WHEREAS, such outstanding achievements are deserving of special recognition.

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

1. That the Legislature commends the spirit and talent exhibited by the Southeast Community College Bombers Basketball team as demonstrated by the participation in the National Junior College Athletic Association Tournament.

2. The members of the Legislature extend their congratulations and best wishes to the members of the Southeast Community College men's basketball team for finishing third in the national junior college tournament.

3. That a copy of this resolution be sent to Dana Altman, coach, and team members of the Southeast Community College Bombers

Basketball team.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 541. 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 375. 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 200. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 200A. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 400. 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 440. 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 461. 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 599. Title read. Considered.

SPEAKER NICHOL PRESIDING

Advanced to E & R for Review with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 424. 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.

LEGISLATIVE BILL 469. 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 225. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 4 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 225A. 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.

UNANIMOUS CONSENT - Print in Journal

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 366 in the Journal. No objections. So ordered.

AM0912

1. Strike original section 1.

2. On page 1, line 1, strike "sections 70-662 and" and insert "section"; strike beginning with "to" in line 3 through the semicolon in line 5; and in line 7 strike "sections" and insert "section".

3. On page 4, line 22, strike "sections 70-662 and" and insert "section"; and in line 23 strike "are" and insert "is".

4. Renumber original sections 2 and 3 as sections 1 and 2, respectively.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 93. Indefinitely postponed.

(Signed) George Fenger, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 180. Placed on General File as amended.
Standing Committee amendments to LB 180:

AM0885

1. Strike the original sections and insert the following new sections:

"Section 1. Every county board or, in counties which have established such, the county board of corrections may establish a community work force program in which prisoners in the county jails may work on community service projects within that county. As used in this act, community service project shall mean work for a city or county, or any agency, department, or subdivision thereof, except that such projects shall not include projects which other government employees regularly perform or projects which the county or city regularly contracts with private industry to perform. The board is encouraged to include established volunteer activities which benefit the general public as acceptable projects. Work by a prisoner on a community service project shall not confer a private benefit on any person except as may be incidental to the public benefit.

Sec. 2. Inmate participation in community service projects shall be voluntary and no extra good time credit shall be given to inmates who participate in a community service project. In no event shall an inmate's decision to participate or not participate in a community service project have any bearing on the granting of good time credit.

Sec. 3. (1) In counties which have a county board of corrections, that board shall administer the community work force program and shall adopt and promulgate rules and regulations for such administration. In all other counties, the sheriff shall administer the program and adopt and promulgate the rules and regulations therefor. In counties in which the sheriff administers the program, the sheriff shall submit for approval the proposed rules and regulations to the district court and the county court for such county.

(2) Such rules and regulations shall address, but shall not be limited to, the factors to be considered in assigning an inmate to a community service project. Included among these factors shall be (1) the physical and mental abilities of the inmate, (2) the benefit to the public of having the inmate work on the community service project, (3) the security of the jail, (4) the safety of the general public, (5) the number and type of supervisory personnel necessary, and (6) the likelihood of an attempted escape. No inmate shall be

asked to perform unreasonably hazardous work that would endanger the life or health of the inmate or others.

Sec. 4. That section 23-2810, Revised Statutes Supplement, 1982, be amended to read as follows:

23-2810. ~~Section 23-2811 shall apply to counties in which a county board of corrections has been established pursuant to section 23-2802.~~ The county board of corrections shall be responsible for the implementation of section 23-2811 in the county in which it serves. In counties which do not have a county board of corrections, the county sheriff shall be responsible for the implementation of section 23-2811.

Sec. 5. That section 23-2811, Revised Statutes Supplement, 1982, be amended to read as follows:

23-2811. Any person sentenced to a city or county jail shall have his or her term reduced seven days for each twenty-one consecutive days during which he or she has not committed any breach of discipline or other violation of jail regulations. ~~and, if required to perform labor, during which he or she has faithfully performed his or her assigned duties.~~ The reductions authorized by this section shall be granted at the end of each period of twenty-one days, with such periods to run consecutively from the date of confinement following sentencing.

Sec. 6. That section 47-301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

47-301. The governing board of every ~~county,~~ city, and village may employ at labor on the public streets and other public improvements, persons confined in the jail of such ~~county,~~ city or village, as the case may be, on account of conviction for violation of statutes or ordinances. The governing board shall prescribe rules and regulations governing employment and safekeeping, and determine what compensation, if any, such prisoners shall receive for their services.

Sec. 7. That original section 47-301, Reissue Revised Statutes of Nebraska, 1943, and sections 23-2810 and 23-2811, Revised Statutes Supplement, 1982, are repealed.".

(Signed) David Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 415. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 353. 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 511. 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 227. 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 503. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 3 nays, 17 present and not voting, and 4 excused and not voting.

ATTORNEY GENERAL'S OPINION

Opinion No. 56
March 22, 1983

Dear Senator Vickers:

This is in reply to your inquiry concerning the amendment to LB 465 adopted by the Education Committee, copy of which was attached to your letter.

You inquire as to the constitutionality of LB 465, as amended, as it relates to merger ordinances that may be passed and particularly as to the effective dates of such ordinances.

Ordinances of cities of the primary, first class, second class, and villages do not become effective until they have been published, which must be done within 15 days after they are passed. Neb.Rev.Stat. §§17-613, 16-405, and 15-403 (Reissue 1977).

This does not mean that the ordinance itself could not have a provision making the ordinance effective at a later date than above set forth.

In metropolitan class cities the procedure is provided by rules and regulations of the city but ordinances cannot become effective sooner

than within a week of introduction. Neb.Rev.Stat. §14-137 (Reissue 1977).

Under Neb.Rev.Stat. §79-801.02 (Reissue 1981), a merger of an existing school district into a Class III school district under the provisions of §79-801 becomes effective on June 15 of the year following the first full school year after such merger. In School District of Bellevue v. Strawn, 185 Neb. 392, the Supreme Court of Nebraska determined that this meant June 15, 1968, as to annexing ordinances of the City of Bellevue which became effective in April and May of 1967.

The proposed subsection (2) of LB 465 provides in part:

> Notwithstanding subsection (1) of this section (subsection 1 is identical to §79-801 except for an inserted reference to subsection (2)) or section 79-801.02, any annexation by a city or village encompassed within a Class III school district which annexation shall become effective after the effective date of this act, shall not result in the change of any school district boundaries until September 1, 1984, . . ."

Subsection (2) then contains a provision that such boundary changes may become effective sooner upon agreement of all boards affected within 90 days following the effective date of the annexing ordinance.

Obviously, the provisions of §79-801.02 relative to the effective date of mergers under §79-801, being June 15 of the year following the first school year after the merger, would be rendered inoperative by the passage of LB 465.

Also, subsection (2) of LB 465, above quoted, applies only to annexations which shall become effective after the effective date of LB 465. Therefore, any proposed annexation ordinance before a city council or village board which becomes effective before the effective date of LB 465 would not be affected by LB 465. One would have to look at the effective date as contained in the ordinance or, if none, at the date of its passage and publication, if required, as set forth above. Any annexing ordinances encompassed within a Class III school district becoming effective after LB 465 would not result in a change of boundaries until September 1, 1984, unless by vote of the boards as mentioned above.

The effective dates of ordinances and annexations are all matters which have been passed by legislative acts and may be modified by the Legislature. Any ordinances which are pending before a body are of no legal effect until passed and made effective according to law as outlined above. We therefore see no constitutional problems as to LB 465 as contained in the attachment to your letter.

You also ask questions concerning an annexation ordinance with an effective date this spring or summer. As mentioned earlier, if it became effective before the effective date of LB 465 as now written, it would not be affected by LB 465, and changes in boundaries would become effective according to §79-801 which may require agreement of the boards or an election; or §79-801.02 which would be June 15, 1984, assuming a full school year elapsed after the merger.

You then ask what would be the result should the Legislature pass LB 465 in such a way as to change the date when school district boundary changes already passed would become effective, from June 15, 1984, to a different date. As mentioned above, since the Legislature originally established these various dates, we can see no problem with them changing them as long as they do not purport to affect rights which have become vested. In your example, the city council would still have the opportunity to repeal the annexing ordinance before any rights became vested. In School District of Bellevue v. Strawn, supra, the plaintiff contended that the merger was complete on the effective date of the ordinance but merely did not become "operative" until June 15, 1968. The Supreme Court disagreed and held that the status of the districts affected remained unchanged until the effective date of June 15, 1968.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 587. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 397. Title read. Considered.

Standing Committee amendment, AM0259, found in the Journal on page 601 for the Thirtieth Day was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Miss Kilgarin asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 236. Title read. Considered.

Standing Committee amendment, AM0404, found in the Journal on page 616 for the Thirty-First 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 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 326. Title read. Considered.

Standing Committee amendments, AM0413, found in the Journal on page 616 for the Thirty-First 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 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 350. Title read. Considered.

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendment, AM0405, found in the Journal on page 616 for the Thirty-First Day was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 3 nays, 13 present and not voting, and 7 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 503A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 503, Eighty-eighth Legislature, First Session, 1983.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 605. Placed on General File.

LEGISLATIVE BILL 410. Placed on General File as amended.
Standing Committee amendments to LB 410:
AM0895

1. Strike section 4 and insert the following new sections:

"Sec. 6. <u>There is hereby created a State</u>

College Buildings Renovation and Land Acquisition Fund. All money accruing to this fund is hereby appropriated to the Board of Trustees of the Nebraska State Colleges and shall be used exclusively for those projects of repair, remodeling, and renovation of buildings belonging to the state colleges and for those land acquisition projects of the state colleges pursuant to this section, as long as no such repair, remodeling, or renovation shall provide for construction of an addition to any building, unless required by any federal law or law of this state relating to building safety or relating to building access for handicapped persons. No expenditure may be made from such fund without prior approval by a resolution of the Board of Trustees of the Nebraska State Colleges. The board of trustees is authorized to make expenditures from the State College Buildings Renovation and Land Acquisition Fund for the following projects: (1) Repair, remodel, and renovate the east wing of the West Center Main Building at Kearney State College, one million one hundred three thousand one hundred four dollars; (2) repair, remodel, and renovate the Fine Arts Building at Chadron State College, nine hundred ninety thousand dollars; and (3) acquire certain real property for public use by Kearney State College, three hundred fifty thousand dollars.

In addition to those building repair, remodeling or renovation projects and land acquisition projects specifically listed in this section, the Board of Trustees of the Nebraska State Colleges is further authorized to make expenditures from the State College Buildings Renovation and Land Acquisition Fund, which shall include any investment income received from the investment of such fund, for other building repair, remodeling, or renovation project or land acquisition project which shall be specifically approved by the Legislature.

Sec. 7. In order to accomplish any projects authorized by section 6 of this act, the Board of Trustees of the Nebraska State Colleges may enter into contracts with any person, firm, or corporation providing for the implementation of any such project of the state colleges and providing for the long-term payment of the cost of such project from the State College Buildings Renovation and Land Acquisition Fund. In no case shall any such contract run for a period longer than ten years or exceed two million four hundred forty thousand dollars. The board of trustees shall not pledge the credit of the State of Nebraska for the

payment of any sum owing on account of such contract, except that there may be pledged for the payment of any such contract any appropriations specifically made by the Legislature for such purpose. No contract shall be entered into pursuant to this section without prior approval by a resolution of the board of trustees.".

2. On page 4, strike beginning with "beginning" in line 15 through "Fund" in line 18 and insert "there shall be placed in the University Buildings Renovation and Land Acquisition Fund the sum of one million seven hundred sixty-five thousand one hundred fifty-three dollars and in the State College Buildings Renovation and Land Acquisition Fund the sum of three hundred sixty-one thousand two hundred twenty-two dollars each year for fiscal year 1984-85 through fiscal year 1994-95. Such amounts are hereby appropriated and the unexpended balances existing in such funds at the end of each fiscal year through June 30, 1995, are hereby reappropriated. The money in such funds shall be used for payment of the costs of building repair, remodeling, and renovation projects and land acquisition projects of the University of Nebraska and the Nebraska state colleges authorized by sections 4 to 7 of this act.".

3. On page 5, line 11, after the comma insert "and"; strike beginning with "the" in line 11 through "(14)" in line 12; in line 13 after "Renovation" insert "and Land Acquisition"; in line 14 after "above" insert "derived from taxation"; in lines 15 and 16 reinstate "sections 84-306 to 84-306.05."; and in line 23 strike "the Board of Regents." and show the period as stricken.

4. On page 6, lines 13 through 16, strike the new matter and reinstate the stricken matter.

5. On page 7, line 20, after "Renovation" insert "and Land Acquisition"; in line 23 after "for" insert "those"; in line 24 strike "except that" and insert "and for those land acquisition projects of the university authorized pursuant to this section, as long as"; and in line 26 after "building" insert ", unless required by any federal law or law of this state relating to building safety or relating to building access for handicapped persons".

6. On page 8, after line 1, insert:

"The Board of Regents is authorized to make expenditures from the University Buildings Renovation and Land Acquisition Fund for the following projects: (1) Repair, remodel, and renovate Bessey Hall, three million four hundred fifty-seven thousand eight hundred

seventy dollars, and Architectural Hall and Former Law Building four million three hundred twenty-six thousand two hundred sixty-six dollars at the University of Nebraska-Lincoln; (2) repair, remodel, and renovate Arts and Sciences Hall at the University of Nebraska at Omaha, eight hundred eighty-eight thousand five hundred fifty dollars; (3) repair, remodel, and renovate the Nebraska Psychiatric Institute at the University of Nebraska Medical Center, one million fifty thousand dollars; and (4) acquire certain real property for public use by the University Of Nebraska at Omaha, three million two hundred eighty-two thousand four hundred dollars.

In addition to those building repair, remodeling, or renovation projects, and land acquisition projects specifically listed in this section, the Board of Regents is further authorized to make expenditures from the University Buildings Renovation and Land Acquisition Fund, which shall include any investment income received from the investment of such fund, for any other building repair, remodeling, or renovation project or land acquisition project which shall be specifically approved by the Legislature."; in line 2 strike "repair," and insert "any"; in line 3 strike "remodeling, and renovation"; in line 4 strike "5" and insert "4"; in line 7 after "any" insert "such"; strike beginning with "repair" in line 7 through the first "of" in line 8; in line 10 after "Renovation" insert "and Land Acquisition"; in line 12 strike "twenty" and insert "ten" and after "years" insert "or exceed twelve million two hundred thousand dollars"; and in line 17 strike "may" and insert "shall".

7. Renumber remaining sections accordingly.

LEGISLATIVE BILL 608. Placed on General File as amended.
Standing Committee amendments to LB 608:
AM0890

1. On page 2, line 15, strike "362,955" and insert "362,110"; in line 20, strike "39,224" and insert "39,244"; in line 21 strike "38,296" and insert "38,316"; and in line 26 strike "2,459,202" and insert "2,453,107".

2. On page 3, line 9, strike "44,760" and insert "44,648"; and in line 22, strike "47,659" and insert "53,135".

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Eret asked unanimous consent to print the following amendment to LB 73 in the Journal. No objections. So ordered.

AM0837

1. Insert the following new section:

"Sec. 2. That section 88-404, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

88-404. (1) Every warehouseman shall, on the delivery of any goods thereto for storage or within fifteen days thereafter, issue a lawful receipt to the owner or deliverer of such goods. The Public Service Commission shall prepare or approve forms for such receipts which shall be used by all public warehouses. The commission shall fix charges to be assessed and collected for such warehouse receipt forms at cost plus the expense of delivery. Payment of such charges shall be made in advance of delivery of such receipt forms and shall entitle each such receipt to registration without any further charge or fee, except as provided in section 88-405, by all warehousemen.

(2) Any warehouseman may issue a receipt to himself or herself as the owner of goods stored in his or her own warehouse, which receipt shall be registered with the commission. All other receipts may be registered with the commission if the holder requests registration by the commission.

(3) Upon receiving a warehouse receipt for registration and upon being satisfied that all of the provisions in regard thereto have been complied with, the commission shall cause such receipt to be registered.".

2. On page 9, line 3, strike "comission" and insert "commission"; and in line 20 strike "cut-off" and insert "cutoff".

3. On page 16, line 10, after "sections" insert "88-404,".

4. Renumber the remaining sections accordingly.

Messrs. Vickers and DeCamp asked unanimous consent to print the following amendment to LB 465 in the Journal. No objections. So ordered.

In the DeCamp amendment on pages 1072 and 1073 of the Journal, in line 2 of the new language, after "encompassed within

any", insert "Class III"; In line 5 of the new language, strike "including elections relating thereto,"; In line 6 of the new language following "annexed", insert "nor shall any election prescribed by subsection (1) of this section be held after the effective date of this act but before September 1, 1984"; In line 11 of the new language, following the period, insert "Any changes in school district boundaries which would otherwise occur as a result of annexations occurring after the effective date of this act but before September 1, 1984, shall be governed by the provisions of applicable law as such may exist after September 1, 1984."

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hoagland asked unanimous consent to have his name added as co-introducer to LB 350. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 366. Title read. Considered.

Standing Committee amendments, AM0411, found in the Journal on page 616 for the Thirty-First Day were rejected 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 412. Title read. Considered.

Standing Committee amendments, AM0412, found in the Journal on page 617 for the Thirty-First Day were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 536. Title read. Considered.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendments, AM0397, found in the Journal on page 617 for the Thirty-First Day were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 16 present and not

voting, and 8 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 94. Title read. Considered.

Standing Committee amendments, AM0389, found in the Journal on page 647 for the Thirty-Second Day were adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT MCGINLEY PRESIDING

Advanced to E & R for Review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 173. Title read. Considered.

Standing Committee amendment, AM0431, found in the Journal on page 651 for the Thirty-Second Day was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Von Minden asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 476. Title read. Considered.

Standing Committee amendments, AM0566, printed separate from the Journal and referred to on page 812 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, 14 present and not voting, and 10 excused and not voting.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 356. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - AM0559.)

(Signed) Rex Haberman, Chairperson

Appropriations

LEGISLATIVE BILL 617. Placed on General File as amended.
Standing Committee amendments to LB 617:
AM0848

1. Strike original sections 16 and 21 and insert the following new sections:

"Sec. 8. That section 67-293, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

67-293. The filing fee for all filings pursuant to sections 67-233 to 67-297, including amendments and name reservation, shall be ten dollars plus the recording fees set forth in subdivision (4) of section 33-101. The fees for filings pursuant to sections 67-233 to 67-297 shall be paid to the Secretary of State and by him or her paid into the state treasury. The State Treasurer shall credit fifty per cent of such fees to the General Fund and fifty per cent of such fees to the Uniform Limited Partnership Cash Fund, which is hereby created. ~~and shall by the State Treasurer be placed in the General Fund.~~

Sec. 22. That section 81-2,162.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2,162.06. (1) There shall be paid to the director, for all commercial fertilizers and soil conditioners distributed in this state to the ultimate user, except ~~custom blended~~ custom-blended products, an inspection fee at the rate fixed by the director but not exceeding ~~ten~~ fifteen cents per ton. The fee shall be paid by the person distributing the product to the ultimate user.

(2) Payment of the inspection fee shall be evidenced by a statement made with documents showing that fees corresponding to the tonnage were received by the director.

(3) Every person who distributes commercial fertilizer or soil conditioners to the ultimate user in this state shall file, not later than the last day of January and July of each year, a semiannual tonnage report on forms provided by the department setting forth the number of net tons of commercial fertilizer and soil conditioners distributed in this state during the preceding ~~six months'~~ six-month period, which report shall cover the periods from July 1 to December 31 and

January 1 to June 30, and such other information as the director shall deem necessary; and upon filing such report shall pay the inspection fee at the rate stated in subsection (1) of this section. The minimum inspection fee required pursuant to this section shall be five dollars, and no inspection fee shall be paid more than once for any one product.

(4) If a person fails to report and pay the fees, as required by subsection (3) of this section, by January 31 and July 31, he or she may be required by the department to pay a penalty of up to twenty-five per cent in addition to the fees due if paid during the period of February 1 to February 28 or August 1 to August 31 for the respective delinquency and an additional twenty-five per cent penalty thereafter. Failure to make an accurate statement of tonnage or to pay the inspection fee or comply as provided herein shall constitute sufficient cause for the cancellation of all product or firm registrations on file for such person.

(5) No information furnished to the department under this section shall be disclosed in such a way as to reveal the operation of any person.

Sec. 23. That section 81-2,162.23, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2,162.23. (1) No person shall manufacture or distribute commercial fertilizers or soil conditioners in this state unless such person holds a valid registration for each manufacturing and distribution facility in this state. Any out-of-state manufacturer or distributor who has no distribution facility within this state shall obtain a registration for his or her principal out-of-state office, if he or she markets or distributes commercial fertilizer or soil conditioners in the State of Nebraska.

(2) Applicants for registrations shall make application to the department on forms furnished by the department. Application forms shall be submitted to the department accompanied by an annual registration fee of ~~five~~ fifteen dollars. Registrations shall be renewed on or before January 1 of each year.

3) A copy of the valid registration shall be posted in a conspicuous place in each manufacturing or distribution facility.

(4) Registered persons distributing ~~custom blended~~ custom-blended products shall maintain records of purchase orders received for ~~custom blended~~

custom-blended products from the date such orders are received until such products are distributed, which records shall be sufficient to show the product ordered, date of such order, purchaser, and quantity of product ordered.

(5) The provisions of this section shall not apply to any retail store which sells or offers for sale less than a five-ton volume of commercial fertilizer or soil conditioners annually.

Sec. 26. That section 84-1209, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1209. The administrator may establish storage facilities for essential records and preservation duplicates and may provide for a system of charges to allocate the cost of providing such storage among the agencies and departments utilizing the storage services.

Sec. 27. That section 84-1226, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1226. (1) There is hereby created a fund to be known as the Records Management Micrographics Services Revolving Fund. All charges received by the Secretary of State under ~~section~~ sections 84-1209 and 84-1225 and legislative appropriations shall be credited to such fund. Whenever any micrographics equipment of any state agency, except the University of Nebraska or the state colleges, shall become surplus property and shall be sold pursuant to section 81-161.04, the proceeds from the sale of such equipment shall be deposited in the state treasury and shall be credited by the State Treasurer to the Records Management Micrographics Services Revolving Fund. Expenditures shall be made from such fund to finance the micropublishing services and the computer output microfilm services by the Secretary of State or his or her authorized agent in accordance with appropriations made by the Legislature, ~~and~~ to receive and expend funds pursuant to section 84-1225 for the provision of source document microfilming and for procuring and replacing micrographic equipment provided to state agencies, and to receive and expend funds pursuant to section 84-1209 for the providing of records storage services for state agencies.

(2) By agreement between any state agency and the State Records Administrator, any state agency may be

billed one full year's rental for equipment at the beginning of each fiscal year. The State Records Administrator may coordinate with the Director of Administrative Services to set up a separate subaccount within the fund for the purpose of accounting for micrographic equipment procurement and replacement.".

2. On page 4, line 19, strike "seventy" and insert "fifty".

3. On page 5, line 13, strike "one hundred fifteen" and insert "seventy-five".

4. On page 7, line 15, strike "five hundred fifty" and insert "three hundred".

5. On page 10, line 9, strike "ten" and insert "five".

6. On page 15, line 8, strike "units" and insert " plans"; and strike beginning with "A" in line 9 through the period in line 12.

7. On page 16, line 10, strike "more than seventy-five dollars" show the old matter as stricken and insert "less than forty nor more than eighty dollars per living unit".

8. On page 20, line 22, strike "sixty dollars", show the old matter as stricken, and insert "not less than sixty nor more than one hundred dollars, as determined by departmental regulation,".

9. On page 21, strike beginning with "one" in line 26 through "and" in line 27 and show the old matter as stricken.

10. On page 22, strike line 5 and insert "any second reinspection made of the same facility within six months from the date of the first inspection."; in line 6 strike beginning with "Any" through "pool" and insert "Individuals tested at swimming pool operator clinics conducted by the Department of Health"; and in line 7 strike "a certification" and insert "an examination".

11. On page 23, line 7, strike "ten", show as stricken, and insert "fifteen"; in line 8 strike "twenty", show as stricken, and insert "thirty-five"; in line 16 after "charge" insert "each manufacturer" and strike "fifteen" and insert "seventy-five"; in line 17 strike "a" and insert "any new"; and in line 18 strike "dealer lot" and insert "manufactured by such manufacturer and not bearing a seal issued by the State of Nebraska or some reciprocal state".

12. On page 27, line 4, after "Fund" insert "which is hereby"; and strike beginning with "in" in line 4 through "81-2,177.01" in line 5; in line 9 strike "(1)"; and strike lines 22 through 27.

13. On page 28, strike lines 1 through 4.

14. On page 32, line 11, strike "five" and insert "three".

15. On page 33, strike lines 14 through 27 and insert:

"Up to 35 pounds capacity 4.00
Multi-Unit Scales 33.00
Over 35 to 600 pounds capacity.....6.00
Over 600 to 4,000 pounds capacity.....9.00
Over 4,000 to 20,000 pounds capacity 13.00
Over 20,000 to 50,000 pounds capacity 21.00
Over 50,000 to 75,000 pounds capacity 23.00
Over 75,000 pounds capacity.....28.00
Measuregraphs 3.00
Pumps:
Petroleum pumps 4.00
Liquid petroleum gas pumps.....6.00
Double Pumps or Blend Pumps 7.00
Meters:
Vehicle tank meters and bulk meters.....10.00
Liquid petroleum gas meters.....18.00
Liquid fertilizer meters 21.00
Liquid feed meters 21.00
High gallon petroleum pump .....21.00"

16. On page 34, strike lines 1 through 13 and 23 through 27.

17. On page 35, strike lines 1 and 2; in line 4 after "54-1704," insert "67-293,"; in line 5 strike "71-1903,"; in line 6 strike "71-4613,"; and in line 7 before "81-2,174" insert "81-2,162.06, 81-2,162.23," and before "and" insert "84-1209, 84-1226,".

(Signed) Jerome Warner, Chairperson

GENERAL FILE

LEGISLATIVE BILL 538. Title read. Considered.

Standing Committee amendment, AM0525, found in the Journal on page 718 for the Thirty-Sixth Day was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 273. Title read. Considered.

Standing Committee amendments, AM0480, found in the Journal on page 723 for the Thirty-Sixth Day were adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?"

Mrs. Higgins moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The motion to cease debate prevailed with 27 ayes, 3 nays, and 19 not voting.

Advanced to E & R for Review with 26 ayes, 12 nays, 4 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 273A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 13 nays, 3 present and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

Mr. Rupp asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 207. Title read. Considered.

Mrs. Morehead and Mr. Barrett asked unanimous consent to be excused until they return. No objections. So ordered.

Standing Committee amendments, AM0545, found in the Journal on page 743 for the Thirty-Seventh Day lost with 4 ayes, 11 nays, 24 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 214. Title read. Considered.

Standing Committee amendments, AM0467, found in the Journal on page 680 for the Thirty-Fourth 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 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

MOTION - Introduce New Bills

Mr. Warner moved the introduction of a new bill by the Appropriations Committee, Req. #1001.

The motion prevailed with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Mr. Warner moved the introduction of a new bill by the Appropriations Committee, Req. #1014.

The motion prevailed with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Mr. Warner moved the introduction of a new bill by the Appropriations Committee, Req. #1013.

The motion prevailed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 628. By Appropriations Committee: Warner, 25th District, Chairperson; L. Johnson, 15th District; H. Peterson, 35th District; Kahle, 37th District; Goodrich, 20th District; Wagner, 41st District; Kilgarin, 7th District.

A BILL FOR AN ACT to make appropriations for the expense of certain agencies of state government for the period of July 1, 1983, to June 30, 1984; to recite limitations on expenditures; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 629. By Appropriations Committee: Warner, 25th District, Chairperson; L. Johnson, 15th District; H. Peterson, 35th District; Wagner, 41st District; Goodrich, 20th District; Kahle, 37th District; Morehead, 30th District; Kilgarin, 7th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds; to state intent; and to declare an emergency.

LEGISLATIVE BILL 630. By Appropriations Committee: Warner, 25th District, Chairperson; L. Johnson, 15th District; H. Peterson, 35th District; Wagner, 41st District; Goodrich, 20th District; Kahle, 37th District; Morehead, 30th District; Kilgarin, 7th District.

A BILL FOR AN ACT to make appropriations for capital construction projects and acknowledge and reaffirm appropriations previously made; to amend Laws 1982, LB 761, sections 117, 122, and 123, and Laws 1982, Second Special Session, LB 1, sections 62, 64, 65, 67, 73, and 74; to repeal the original sections; and to declare an emergency.

MOTION - Place LB 628, 629, and 630 on General File

Mr. Warner moved to suspend the rules, Rule 3, Sections 4 and 12, and Rule 6, Section 1, to place LB 628, 629, and 630 on General File.

The motion prevailed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 108. Title read. Considered.

Messrs. Pappas, Schmit, R. Peterson, and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Standing Committee amendment, AM0548, found in the Journal on page 758 for the Thirty-Seventh Day was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Mr. Landis moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

The Chair declared the Call raised.

Messrs. Lundy, Eret, Chronister, Wiitala, Remmers, and Mrs. Pirsch asked unanimous consent to be excused until they return. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Rupp asked unanimous consent to print the following amendment to LB 465 in the Journal. No objections. So ordered.

Strike "September 1, 1984" whenever that date is used in the bill and insert "August 1, 1984".

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 38. Placed on General File as amended.
Standing Committee amendment to LB 38:
AM0911
1. On page 2, line 10, strike "October" and
insert "August" and strike "1983", show as stricken, and

3 insert "1984".

(Signed) Jerome Warner, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 263A. By Goodrich, 20th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 263, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 266A. By Goodrich, 20th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 266, Eighty-eighth Legislature, First Session, 1983.

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 26 in the Journal. No objections. So ordered.

AM0403

1. On page 3, line 4, after "is" insert "(a)"; and in line 8 after "zone" insert "or (b) has been used exclusively for agricultural use for at least ten consecutive years prior to the effective date of this act and continues to be used exclusively for agricultural use, whether or not such land is located in an agricultural use zone,".

2. On page 6, line 5, after "zone" insert ", except as provided in subdivision (1)(b) of section 77-1344".

GENERAL FILE

LEGISLATIVE BILL 463. Title read. Considered.

Standing Committee amendment, AM0547, found in the Journal on page 758 for the Thirty-Seventh Day was considered.

Mr. Landis moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Standing Committee amendments were adopted with 26 ayes, 0

nays, 6 present and not voting, and 17 excused and not voting.

Advanced to E & R for Review with 25 ayes, 3 nays, 6 present and not voting, and 15 excused and not voting.

The Chair declared the Call raised.

Messrs. Lamb, Lundy, and Sieck asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 369. Title read. Considered.

Standing Committee amendments, AM0570, found in the Journal on page 783 for the Thirty-Eighth Day were adopted with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

MOTION - Place LB 588 on General File

Speaker Nichol and Mr. Hoagland moved to place LB 588 on General File notwithstanding the action of the committee, pursuant to Rule 3, Section 16.

Laid over.

MOTION - Committee Report on LB 426

Mr. Beutler moved to compel the Chairman of the Agriculture Committee to report forthwith LB 426, pursuant to Rule 3 Section 18(B).

Laid over.

VISITORS

Visitors to the Chamber were Jenny Egerer, Nebraska's Junior Miss, and her parents, Herbert and Barbara; Gary and Bonnie Baker; 55 ninth grade students and teachers from Aurora Junior High, Aurora; 90 fourth grade students, teachers, and principal from Laura Dodge; Colonel and Mrs. Dick Byrne; Rev. Lee Wigert from Lincoln; Jerry and Kathy Ellis, their children, Casey and Riley from Norfolk; Carol and Shalisa Nau from Waverly; Karen Kresl, Nebraska Wheat Queen from Hemingford; Dorothy Davis, Nebraska Wheat Heart's President from Potter; Ray Davis, Nebraska Wheat Board Chairman from Potter; and Mr. and Mrs. Jim Kullberg, Mrs. Morehead's sister, and sons, Jim, Pat, and Steven from Overland Park, Kansas.

ADJOURNMENT

At 1:42 p.m., on a motion by Speaker Nichol, the Legislature adjourned until 10:00 a.m., Monday, March 28, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-THIRD DAY - MARCH 28, 1983

LEGISLATIVE JOURNAL

FIFTY-THIRD DAY - MARCH 28, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 28, 1983

Pursuant to adjournment, the Legislature met at 10:05 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Senator Howard Peterson.

ROLL CALL

The roll was called and all members were present except Messrs. Chronister and Goll who were excused; and Messrs. Doyle, Haberman, Hoagland, Lundy, Pappas, Schmit, Mrs. Higgins, and Miss Kilgarin 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

Correctly Engrossed

The following bills were correctly engrossed: 78, 252, and 270.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 252

The following changes, required to be reported for publication in the Journal, have been made:
ER0031

1. On page 1, line 3, the first "and" has been stricken; in line 4, ", and section 8-157, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 58, Eighty-eighth Legislature, First Session, 1983" has been inserted after "1982"; and in line 7 after

the semicolon, "to change provisions relating to branch banking and auxiliary offices;" has been inserted.

2. In the R. Johnson, Schmit amendment, AM0608, page 1, line 2, "3" has been stricken and "4" inserted.

3. In the E & R amendment, page 1, lines 9 and 10, "and in line 18, strike '5' and insert '6';" has been stricken; in lines 21 and 22 "in line 12, strike '7' and insert '8';" has been stricken; and amendment 6 has been stricken.

(Signed) Tristi J. Wilson
E & R Attorney

STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE BILL 426. Placed on General File.

(Signed) Rex Haberman, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 57
March 24, 1983

Re: LB 431

Dear Senator Schmit:

We are responding to your letter in which you inquire whether LB 431, which you introduced, is constitutional based upon the provisions of Initiative 300 which has now been incorporated in the Nebraska Constitution at Article XII, Section 8.

Legislative Bill 431 seeks to amend the Nebraska Groundwater Management Act at Neb.Rev.Stat. §46-666 (Cum.Supp. 1982). Among the powers of a district in a groundwater control area in subdivision (5) of that section in restricting use of groundwater, you proposed to add the following sentence:

> A district may also adopt different allocations pursuant to subdivision (1) (a) of that section for family farm and ranch corporations, as defined in Article XII, Section 8, of the Nebraska Constitution, and nonfamily farm and ranch corporations.

You would add the following underlined phrase in the sentence following this addition:

> The provisions of all controls for different categories of ground water use and types of farming or ranching corporations shall be uniform for all portions of the area which have substantially similar climatic, hydrologic, geologic, and soil conditions.

It is true that water rights are subject to subsequently adopted restrictions under the police power of the state. In Re Water Application No. 442A, 210 Neb. 161, 313 N.W.2d 271, 274 (1981); In Re Birdwood Irrigation District, 154 Neb. 52, 46 N.W.2d 884, 887 (1951). Article XII, Section 8 gives authority for the Legislative classification between family and nonfamily farm and ranch corporations as is created in this bill, and further authorizes the Legislature to "prohibit certain agricultural operations that the Legislature deems contrary to the intent of this section." However, Article XII, Section 8(1)(D) specifically recognizes an exception for present operations creating grandfather rights for nonfamily farm or ranch operations. Legislative Bill 431 does not recognize this exception. Therefore, the restrictions of this bill exceed the restrictions permissible under the Nebraska Constitution, and are inconsistent with Article XII, Section 8(1)(D).

We also examine this proposal under the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution. This provides: " . . . nor [shall any State] deny to any person within its jurisdiction the equal protection of the laws." Generally this requires equal treatment of persons similarly situated. Pyler v. Doe, ____ U.S. ____, 72 L.Ed.2d 786, 798 (1982). Corporations are persons covered by the Equal Protection Clause. Quaker City Cab Company v. Pennsylvania, 277 U.S. 389, 400 (1927). A law may be held unconstitutional for violation of the Equal Protection Clause if it discriminates between different corporations or between corporations and natural persons engaged in the same business without a rational basis. Frost v. Corporation Commission of the State of Oklahoma, 278 U.S. 515; 16A Am.Jur.2d, Constitutional Law, §778, Note 78, 80, at 914-915 and cases cited therein.

The courts, in determining whether a state-created classification is consistent with the Equal Protection Clause, look at this classification to see "whether the legislative classification. . . is rationally related to achievement of the [legitimate state] statutory purposes." Minnesota v. Clover Leaf Creamery Co., 449 U.S. 456, 463 (1981). The Legislature must have some legitimate state purpose in mind when promulgating the legislation and the enactment must be rationally related to achievement of that purpose. The Legislature's avowed purpose will be accepted unless the court determines from the circumstances that this purpose could not have been the goal of the Legislature. Id. at 463, Note 7. The court "will not overturn such a statute unless the varying treatment of different groups or persons is so unrelated to the achievement of any combination of legitimate purposes that [it] can only conclude that the Legislature's actions were irrational." Vance v. Bradley, 440 U.S. 93, 97 (1979). The Legislature's judgments need not be correct as long as the court can conclude upon consideration of the evidence before the Legislature and that of which it can take judicial notice "that the question is at least debatable." Minnesota v. Clover Leaf Creamery Co., supra at 464.

The purpose of your proposed legislation is not entirely clear to us at this time. We can surmise that it is to protect the state's land and water resources from unreasonable exploitation. This, we believe, could be found to be a legitimate state purpose.

We are not convinced without knowing more information that the allocation of different amounts of water to farm and ranch operations based solely upon whether the ownership of the farm or ranch operation was by family or nonfamily corporation, could be found to be at all rationally related to the purpose of preventing unreasonable exploitation of the state's valuable natural resources. Without knowing more, we do not believe the court could conclude that the Legislature could believe that the classifications created in this bill would actually serve this purpose.

We therefore question whether this legislation could be sustained if challenged. With more information before the Legislature then that of which we are now aware, possibly the conclusion might be different. We cannot say at this time.

In conclusion, the provisions of LB 431 appear to be inconsistent with Article XII, Section 8 of the Nebraska Consitutiton and the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) G. Roderic Anderson
Assistant Attorney General

GRA:kkh
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 541 in the Journal. No objections. So ordered.

AM0767
1. On page 2, line 5, strike the new matter and reinstate the stricken matter; in line 12 strike "foot", show as stricken, and insert "forefoot"; and in line 18 strike beginning with "who" through "surgeon".

Mr. Wesely asked unanimous consent to print the following amendment to LB 454 in the Journal. No objections. So ordered.

AM0902

(Amendments to Final Reading Copy)

1. On page 2, line 15, strike "twenty", show as stricken, and insert "twelve".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 465 in the Journal. No objections. So ordered.

AM0914

(Amendments to the Standing Committee Amendments)

1. In the Standing Committee Amendments on page 1022 of the Journal, on page 2, line 13, strike the semicolon and show as stricken; and in line 16 after "contemplated" insert ", except that the title to all school buildings or other property, real or personal, owned by any school district into which annexation as allowed by this act or any other act has occurred, shall remain the property of the school district which owned such buildings or other property, real or personal, immediately preceding such annexation.".

Mr. Schmit asked unanimous consent to print the following amendment to LB 599 in the Journal. No objections. So ordered.

AM0917

1. On page 9 strike beginning with "and" in line 23 through "issued" in line 24.

Mr. Hoagland asked unanimous consent to print the following amendment to LB 256 in the Journal. No objections. So ordered.

AM0908

(Amendments to the Standing Committee Amendments)

1. In the Standing Committee Amendments, AM0249, found on page 905 of the Journal, (a) on page 1, strike beginning with "Notwithstanding" in line 21 through line 23; and (b) on page 2, strike beginning with "session" in line 1 through the underscored period in line 4.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 108 in the Journal. No objections. So ordered.

To put provisions of 565 as additional amendments to 108.

SPEAKER'S ANNOUNCEMENT

Speaker Nichol moved the following procedure:

That any priority bill which fails to advance shall be considered again two weeks after its initial failure. Debate shall be limited to 30 minutes after which time a vote to advance the bill shall be taken. If the bill fails to advance a second time from General File, it shall return to a non-priority status.

RESOLUTION

LEGISLATIVE RESOLUTION 53. Read. Considered.

LR 53 was adopted with 30 ayes, 0 nays, and 19 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 179.

A BILL FOR AN ACT relating to railroads; to define terms; to establish certain requirements for cabooses and trains; and to provide a penalty.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Mr. Vickers requested a roll call vote.

Voting in the affirmative, 28:

Abboud	Beyer	Chambers	Cullan	DeCamp
Doyle	Eret	Fowler	Haberman	Higgins
Hoagland	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Landis	Marsh	Morehead	Newell
Pappas	Rupp	Schmit	Sieck	Vickers
Wagner	Wesely	Wiitala		

Voting in the negative, 18:

Barrett	Beutler	Carsten	Clark	Fenger
Goodrich	Hannibal	Hefner	Jacobson	Johnson, L.
Lamb	Nichol	Peterson, H.	Peterson, R.	Pirsch
Remmers	Von Minden	Warner		

Excused and not voting, 3:

Chronister Goll Lundy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 188.

A BILL FOR AN ACT to amend section 2-201, Uniform Commercial Code, relating to sales; to change provisions relating to the statute of frauds; and to repeal the original section.

Whereupon the 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Clark	Cullan	DeCamp	Doyle	Eret
Fenger	Fowler	Goodrich	Hannibal	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Lamb
Landis	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Wiitala		

Voting in the negative, 2:

Haberman Schmit

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Chronister Goll Lundy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 223.

A BILL FOR AN ACT relating to retirement; to amend sections 24-701, 24-707, and 24-709, Reissue Revised Statutes of Nebraska, 1943, and 84-1301, Revised Statutes Supplement, 1982; to redefine terms; to change retirement provisions for certain judges; 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:

Abboud	Barrett	Beyer	Carsten	Chambers
Clark	Cullan	DeCamp	Doyle	Eret
Fenger	Fowler	Goodrich	Haberman	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Marsh	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Remmers
Rupp	Schmit	Sieck	Vickers	Wagner
Warner	Wesely	Wiitala		

Voting in the negative, 2:

Pirsch Von Minden

Present and not voting, 1:

Beutler

Excused and not voting, 3:

Chronister Goll Lundy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 240.

A BILL FOR AN ACT relating to certain financial institutions; to provide procedures and standards for change in control of state-chartered banks and industrial loan and investment companies; to provide for notice; to provide requirements; and to provide powers and 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, 45:

Abboud	Barrett	Beutler	Beyer	Carsten

Chambers	Clark	Cullan	DeCamp	Doyle
Eret	Fenger	Fowler	Goodrich	Haberman
Hannibal	Hefner	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Marsh	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Higgins

Excused and not voting, 3:

Chronister Goll Lundy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 281.

A BILL FOR AN ACT to amend sections 19-421 and 19-632, Reissue Revised Statutes of Nebraska, 1943, and section 19-4205, Revised Statutes Supplement, 1982, relating to cities and villages; to authorize the delegation of certain duties of city and village clerks and election commissioners; 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Clark	Cullan	DeCamp	Doyle
Eret	Fenger	Fowler	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala				

Voting in the negative, 0.

Excused and not voting, 3:

Chronister Goll Lundy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 282. With Emergency.

A BILL FOR AN ACT to amend section 66-467.01, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicle fuels; to change the amount of funds credited to the Agricultural Alcohol Fuel Tax Fund as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 41:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	DeCamp	Doyle	Eret	Fenger
Fowler	Goodrich	Haberman	Hannibal	Hefner
Hoagland	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Remmers	Rupp	Schmit	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala				

Voting in the negative, 4:

Clark Cullan Jacobson Pirsch

Present and not voting, 1:

Higgins

Excused and not voting, 3:

Chronister Goll Lundy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 282A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 282, Eighty-eighth Legislature, First Session, 1983; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Abboud	Barrett	Beyer	Carsten	DeCamp
Doyle	Eret	Fenger	Fowler	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Remmers	Rupp	Schmit	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Wiitala

Voting in the negative, 4:

Clark	Cullan	Jacobson	Pirsch

Present and not voting, 2:

Beutler	Chambers

Excused and not voting, 3:

Chronister	Goll	Lundy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 299.

A BILL FOR AN ACT relating to insurance companies; to provide for certain transactions by domestic life insurance companies 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:

Abboud	Barrett	Beutler	Beyer	Carsten

Clark	Cullan	DeCamp	Doyle	Fenger
Fowler	Goodrich	Haberman	Hannibal	Hefner
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Wiitala		

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Eret	Higgins

Excused and not voting, 3:

Chronister	Goll	Lundy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 378.

A BILL FOR AN ACT to amend sections 46-656, 46-657, and 46-673.01, Revised Statutes Supplement, 1982, relating to ground water; to change intent; to define a term; to change provisions relating to a ground water management plan; 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Clark	Cullan	DeCamp	Doyle
Eret	Fenger	Fowler	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Vickers	Von Minden	Warner	Wesely	Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Wagner

Excused and not voting, 3:

Chronister Goll Lundy

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 96. Placed on Select File.
LEGISLATIVE BILL 199A. Placed on Select File.
LEGISLATIVE BILL 235A. Placed on Select File.
LEGISLATIVE BILL 309. Placed on Select File.

(Signed) Rod Johnson, Chairperson

SELECT FILE

LEGISLATIVE BILL 35. E & R amendments, AM5067, found in the Journal on page 1104 for the Fiftieth Day were adopted.

Mr. Wagner offered the following amendment:
On page 15, line 20, strike "such" and insert "local".

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 35A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 308. E & R amendment, AM5068, found in the Journal on page 1104 for the Fiftieth Day was adopted.

Advanced to E & R for Engrossment.

PRESIDENT MCGINLEY PRESIDING

LEGISLATIVE BILL 269. Mr. Hefner renewed his pending amendment, AM0844, found in the Journal on page 1051.

Mr. Von Minden renewed his pending amendment found in the Journal on page 1128 to the Hefner amendment.

Mr. Hoagland 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. Von Minden moved for a Call of the House. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. Von Minden requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Abboud	Beyer	Carsten	Clark	Eret
Fenger	Haberman	Jacobson	Johnson, L.	Kahle
Lamb	Lundy	Morehead	Newell	Nichol
Peterson, H.	Peterson, R.	Pirsch	Sieck	Von Minden

Voting in the negative, 27:

Barrett	Beutler	Chambers	Cullan	DeCamp
Doyle	Fowler	Goodrich	Hannibal	Hefner
Higgins	Hoagland	Johnson, R.	Johnson, V.	Kilgarin
Labedz	Landis	Marsh	Pappas	Remmers
Rupp	Schmit	Vickers	Wagner	Warner
Wesely	Wiitala			

Excused and not voting, 2:

Chronister Goll

The Von Minden amendment lost with 20 ayes, 27 nays, and 2 excused and not voting.

Pending.

The Chair declared the Call raised.

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 326 in the Journal. No objections. So ordered.

On page 2, line 8, strike "and date of birth".

STANDING COMMITTEE REPORTS
Education

The Committee on Education, whose Chairman is Senator Tom Vickers to whom was referred the following gubernatorial appointments, reports the same back to the Legislature with the recommendation that the appointments be approved by the Legislature. The Committee suggests a record vote.

Thomas Lawrence Morrissey - Board of Trustees of Nebraska State Colleges
Pete G. Kotsiopulos - Board of Trustees of Nebraska State Colleges

Senator Goll moved to approve the appointments, seconded by Senator Hoagland. Voting aye: Senators Vickers, Eret, Fowler, Goll and Hoagland. Absent: Senators Cullan, Lamb and Wiitala.

(Signed) Tom Vickers, Chairperson

Agriculture and Environment

The Committee on Agriculture and Environment reports favorably upon the following gubernatorial appointments. The Committee recommends that the Legislature approve the report with a record vote.

Michael M. Garwood, Environmental Control Council
William C. Peters, Environmental Control Council

Vote: Aye: Senators Haberman, Wiitala, Remmers, Pirsch, R. Peterson, Eret, Chronister. Nay: None. Absent: Senator Pappas.

(Signed) Rex Haberman, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 179, 188, 223, 240, 281, 282, 282A, 299, and 378.

VISITORS

Visitors to the Chamber were 10 members of the Nebraska Dental Auxiliary; and 46 students, teacher, and sponsors from Horace Mann School, Omaha.

RECESS

At 11:58 a.m., on a motion by Mrs. Labedz, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m. Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Chronister and Goll who were excused; and Mesdames Labedz, Pirsch, Messrs. Newell, Vickers, Wagner, Warner, Wesely, and Wiitala who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 269. The Hefner pending amendment found in the Journal on page 1051 was considered.

Mr. Hefner moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Hefner requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Abboud	Beyer	Carsten	Clark	Eret
Fenger	Haberman	Hefner	Jacobson	Kahle
Lamb	Lundy	Morehead	Nichol	Peterson, H.
Peterson, R.	Pirsch	Remmers	Sieck	Von Minden

Voting in the negative, 27:

Barrett	Beutler	Chambers	Cullan	DeCamp
Doyle	Fowler	Goodrich	Hannibal	Higgins
Hoagland	Johnson, L.	Johnson, R.	Johnson, V.	Kilgarin
Labedz	Landis	Marsh	Newell	Pappas
Rupp	Schmit	Vickers	Wagner	Warner
Wesely	Wiitala			

Excused and not voting, 2:

Chronister Goll

The Hefner amendment lost with 20 ayes, 27 nays, and 2 excused and not voting.

The Chair declared the Call raised.

Mrs. Higgins and Mr. Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. R. Johnson asked unanimous consent to withdraw his pending amendment, AM0843, found in the Journal on page 1078. No objections. So ordered.

Mr. R. Johnson offered the following amendment:
AM0894

1. On page 2, in lines 13, 18, and 19, strike "eight" and insert "five"; and in line 20 after the period insert "On January 3, 1985, the salary shall be increased by five per cent of the salary received immediately prior to such date. On January 1, 1986, the salary shall be increased by five per cent of the salary received immediately prior to such date.".

Mr. Kahle offered the following amendment to the R. Johnson amendment:

Strike all of the new language lines 3 thru 7 in the R. Johnson amendment.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Kahle moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Kahle requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Beyer	Carsten	Clark	Eret	Fenger
Haberman	Hannibal	Hefner	Jacobson	Johnson, L.
Kahle	Lamb	Lundy	Morehead	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Sieck	Von Minden	Wesely		

Voting in the negative, 22:

Barrett	Beutler	Chambers	Cullan	DeCamp
Doyle	Fowler	Goodrich	Hoagland	Johnson, R.
Johnson, V.	Kilgarin	Labedz	Landis	Marsh
Newell	Rupp	Schmit	Vickers	Wagner
Warner	Wiitala			

Present and not voting, 1:

Abboud

Absent and not voting, 1:

Higgins

Excused and not voting, 2:

Chronister Goll

The Kahle amendment lost with 23 ayes, 22 nays, 1 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mrs. Higgins asked unanimous consent to be excused until she 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 R. Johnson amendment was adopted with 27 ayes, 12 nays, 7 present and not voting, and 3 excused and not voting.

Mr. Haberman offered the following amendment:

Page 2, line 25, strike beginning with "under through "States" on line 26.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Haberman amendment lost with 15 ayes, 17 nays, 13 present and not voting, and 4 excused and not voting.

Mr. Cullan requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Abboud	Barrett	Beutler	Chambers	Cullan
DeCamp	Doyle	Fowler	Goodrich	Hannibal
Hoagland	Johnson, R.	Johnson, V.	Kilgarin	Labedz

Landis	Marsh	Newell	Nichol	Pappas
Rupp	Sieck	Warner	Wesely	Wiitala

Voting in the negative, 16:

Beyer	Carsten	Clark	Eret	Haberman
Jacobson	Johnson, L.	Kahle	Lamb	Lundy
Morehead	Peterson, H.	Peterson, R.	Pirsch	Remmers
Von Minden				

Present and not voting, 4:

Fenger	Hefner	Vickers	Wagner

Excused and not voting, 4:

Chronister	Goll	Higgins	Schmit

Advanced to E & R for Engrossment with 25 ayes, 16 nays, 4 present and not voting, and 4 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 28, 1983, at 2:40 p.m., were the following bills: 179, 188, 223, 240, 281, 282, 282A, 299, and 378.

(Signed) Jan Loder, Enrolling Clerk

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 506. Placed on Select File as amended.
E & R amendments to LB 506:
AM5074

1. On page 3, line 25, after "different" insert "irrigation" and strike "for irrigation".
2. In the Standing Committee Amendment, AM0622, on page 1, line 5, after the second "different" insert "irrigation"; and in line 6, strike "for irrigation, provided" and insert "on the condition that".
3. On page 4, line 11, before "distribution" insert "irrigation" and strike "for irrigation".

LEGISLATIVE BILL 64. Placed on Select File as amended.
E & R amendments to LB 64:
AM5075

1. On page 1, line 1; page 2, lines 2, 13,

18, and 19; page 3, line 26; and page 4, lines 3, 26, and 27, strike "Low Income" and insert "Low-Income".

2. On page 2, line 6, strike "is" and insert "are"; in line 23, strike "low" and insert "low-income"; and in line 24 strike "income".

3. On page 3, lines 5 and 6, strike "Low" and insert "Low-Income"; in lines 6 and 7 strike "Income"; and in lines 23 and 24 after "mean" insert "the".

4. In the Standing Committee amendments, AM0713, (a) on page 1, line 13 before "including" insert a comma; and in line 23 after "the" insert "second"; and (b) on page 2, lines 6 and 7, strike "Low" and insert "Low-Income"; and in lines 7 and 8 strike "Income".

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendments to LB 395 in the Journal. No objections. So ordered.

(1)

Page 25, subsection (k), line 15: After the word "subdivisions" add the following new language: "or other non-profit entities including cooperatives and joint financing agencies"

(2)

Page 25, subsection (k), line 12: After the word "farming" and prior to the semicolon add the following: ", including service to farmsteads"

Mr. Fowler asked unanimous consent to print the following amendment to LB 216 in the Journal. No objections. So ordered.

AM0897

1. Strike original section 1 and insert the following new section:

"Section 1. That section 23-2301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2301. As used in sections 23-2301 to 23-2331, unless the context otherwise requires:

(1) Employees shall mean all persons or officers who are employed by a county of the State of Nebraska devoting twenty or more hours per week to such employment, all elected officers of a county, and such other persons or officers as are classified from time to time as permanent employees by the county board of the

county by whom they are employed, except that the term shall not include judges, persons making contributions to the School Retirement System of the State of Nebraska, or nonelected employees and nonelected officials of any county having a population in excess of one hundred ~~fifty~~ thousand inhabitants;

(2) Retirement shall mean qualifying for and accepting a retirement allowance granted under the provisions of sections 23-2301 to 23-2331;

(3) Retirement board or board shall mean the Public Employees Retirement Board;

(4) Retirement system shall mean the Retirement System for Nebraska Counties;

(5) Required contribution shall mean the deduction to be made from the salary of employees, as provided in sections 23-2301 to 23-2331;

(6) Service shall mean the actual total length of employment as an employee and shall include leave of absence because of disability or military service when properly authorized by the retirement board; PROVIDED, that service shall not include any period of disability for which disability retirement benefits are received under the provisions of section 23-2315;

(7) Straight life annuity shall mean an ordinary annuity, payable for the life of the primary annuitant only, and terminating at his or her death without refund or death benefit of any kind;

(8) Date of adoption of the retirement system by each county shall mean the first day of the month next following the date of approval of the retirement system by the county board;

(9) Prior service shall mean service prior to the date of adoption of the retirement system;

(10) Future service shall mean service following the date of adoption of the retirement system;

(11) Group annuity contract shall mean the contract issued by a life insurance company to the retirement system in order to provide the future service benefits described in sections 23-2301 to 23-2331;

(12) Carrier shall mean the life insurance company or trust company designated by the retirement board as the underwriter or trustee of the retirement system;

(13) Regular interest shall mean the rate of interest earned each calendar year commencing January 1, 1975, as determined by the retirement board in conformity with actual and expected earnings on its investments;

(14) Disability shall mean an inability to engage in a substantially gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or be of a long and indefinite duration; and

(15) Date of disability shall mean the date on which a member is determined by the board to be disabled.".

2. On page 4, line 4, strike "section" and insert "sections 23-2301 and"; and strike beginning with "and" in line 5 through the second comma in line 6.

Miss Kilgarin and Mr. Barrett asked unanimous consent to print the following amendment to LB 18 in the Journal. No objections. So ordered.

AM0833

1. Strike original section 1 and insert the following new section:

"Section 1. That section 48-125, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-125. (1) Except as hereinafter provided, all amounts of compensation payable under the provisions of this act shall be payable periodically in accordance with the methods of payment of wages of the employee at the time of the injury or death; PROVIDED, fifty per cent shall be added for waiting time for all delinquent payments after thirty days' notice has been given of disability. Whenever the employer refuses payment, or when the employer neglects to pay compensation for thirty days after injury, and proceedings are held before the compensation court, a reasonable attorney's fee shall be allowed the employee by the court in all cases when the employee receives an award. ~~In the event~~ If the employer files an application for a rehearing before the compensation court ~~en banc~~ from an award of a judge of the compensation court and fails to obtain any reduction in the amount of such award, the compensation court ~~sitting en banc may~~ shall allow the employee a reasonable attorney's fee to be taxed as costs against the employer for such rehearing, and the Supreme Court shall in like manner allow the employee a reasonable sum as attorney's fees for the proceedings in that court. If the employee files an application for a rehearing before the compensation court from an order of a judge of the compensation court denying an award and obtains an award or if the employee files an application for a

rehearing before the compensation court from an award of a judge of the compensation court where the amount of compensation due is disputed and obtains an increase in the amount of such award, the compensation court may allow the employee a reasonable attorney's fee to be taxed as costs against the employer for such rehearing, and the Supreme Court may in like manner allow the employee a reasonable sum as attorney's fees for the proceedings in that court. A reasonable attorney's fee allowed pursuant to this section shall not affect or diminish the amount of the award.

(2) When an attorney's fee is allowed pursuant to this section, there shall further be assessed against the employer an amount of interest on the final award obtained, computed from the date compensation was payable, as provided in section 48-119, at a rate equal to the rate of interest allowed per annum under section 45-104.01, as such rate may from time to time be adjusted by the Legislature. Interest shall apply only to those weekly, compensation benefits awarded which have accrued at the time payment is made by the employer. If the employer pays or tenders payment of compensation and the amount of compensation due is disputed, and the award obtained is greater than the amount paid or tendered by the employer, the assessment of interest shall be determined solely upon the difference between the amount awarded and the amount tendered or paid.".

2. In the Standing Committee amendments found on page 594 of the Journal, strike amendments 1 and 2.

3. Strike the Kilgarin amendment found on page 975 of the Journal.

Messrs. Sieck and DeCamp asked unanimous consent to print the following amendment to LB 411 in the Journal. No objections. So ordered.

AM0845

1. Insert the following new section:

"Sec. 2. That section 39-6,181, Revised Statutes Supplement, 1982, be amended to read as follows:

39-6,181. (1) The Department of Roads or the Nebraska State Patrol with respect to highways under their jurisdiction including the National System of Interstate and Defense Highways, and county authorities with respect to highways under their jurisdiction may in their discretion upon application and good cause being

shown therefor, issue a special permit in writing authorizing the applicant (a) to operate or move a vehicle, a combination of vehicles or objects of a size or weight of vehicle or load exceeding the maximum specified by law when such permit is necessary to further the national defense or the general welfare, (b) to permit movement of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment, or if ~~is~~ necessary because of an emergency, an unusual circumstance, or a very special situation, (c) to operate vehicles loaded up to twenty-five per cent greater than the maximum ~~gross~~ weight specified by law, or up to ten per cent greater than the maximum length specified by law, or both, when carrying grain or other seasonally harvested products from the field where they are harvested to storage~~,~~ or market~~, or stockpile in the field, or from storage or stockpile to market or factory~~ when failure to move in abundant quantities would cause an economic loss to the person or persons whose product or products are being transported or when failure to move such product or products in as large quantities as possible would not be in the best interests of the national defense or general welfare, or (d) to operate a vehicle or vehicles loaded at a weight twenty-five per cent greater than the maximum weight specified by law, when carrying garbage or refuse during and including the days of April 15 to July 1 of each year, except that ~~; Provided,~~ no permit shall be issued under subdivisions (a) and (b) of this subsection for a vehicle carrying a load unless such vehicle is loaded with an object which exceeds the size or weight limitations and which object cannot be dismantled or reduced in size or weight without great difficulty and which of necessity must be moved over the highways to reach its intended destination. Also ~~; and provided further,~~ no permit shall be required for the temporary movement on roads other than dustless-surfaced state highways and for necessary access to points on such highways during daylight hours of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment where such temporary movement is necessary and for a reasonable distance.

(2) The application for any such permit shall specifically describe the vehicle and the load to be operated or moved and whenever possible the particular highways, roads, or streets for which permit to operate is requested, and whether such permit is requested for a

single trip or for continuous operation.

(3) The department or county authority is authorized to issue or withhold such permit at its discretion; or, if such permit is issued, to limit the number of days during which the permit is valid, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or to issue a continuing permit for use only on highways other than the National System of Interstate and Defense Highways to (a) a manufacturer or its carrier covering all similar vehicles or products produced by such manufacturer, or (b) the owner of vehicles described in subdivision (1)(c) of this section, subject to reasonable conditions as to periodic renewal of such permit and as to operation or movement of such vehicles, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces, or structures or undue danger to the public safety, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(4) Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit. Each such permit shall state the maximum weight permissible on a single axle or combination of axles and the total gross weight allowed. No person shall violate any of the terms or conditions of such special permit and in case of any violation, the permit shall be deemed automatically revoked and the penalty of the original limitations shall be applied unless the violation consists solely of exceeding the size or weight specified by the permit, in which case only the penalty of the original size or weight limitation exceeded shall be applied, or unless the total gross load is within the maximum authorized by the permit and no axle is more than ten per cent in excess of the maximum load for such axle or group of axles authorized by the permit and such load can be shifted to meet the weight limitations of wheel and axle loads authorized by such permit. Such shift may be made without penalty provided that such shift is made at the state or commercial scale designated in the permit. The vehicle may travel from its point of origin to such designated scale without penalty, and a scale ticket from such scale, showing the vehicle to be properly

loaded and within the gross and axle weights authorized by the permit, shall be reasonable evidence of compliance with the terms of the permit.

(5) The department or county authority issuing a permit as provided in this section may promulgate rules and regulations with respect to the issuance of permits provided for in this section.

(6) The department or county authority issuing a permit may require a permit fee of not to exceed ten dollars; PROVIDED, that the fee for a continuing permit may not exceed twenty-five dollars for a ninety-day period, fifty dollars for a one hundred eighty-day period, or one hundred dollars for a one-year period. A vehicle or combination of vehicles for which an application for a permit is requested pursuant to this section shall be registered under section 60-305.09 or 60-331, for the maximum gross vehicle weight that is permitted pursuant to section 39-6,180, before a permit shall be issued.".

2. On page 5, line 13, strike "section" and insert "sections" and before the comma insert "and 39-6,181"; and in line 14 strike "is" and insert "are".

3. Renumber original section 2 as section 3.

SELECT FILE

LEGISLATIVE BILL 362. E & R amendment, AM5069, found in the Journal on page 1104 for the Fiftieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 393. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 43. E & R amendments, AM5071, found in the Journal on page 1138 for the Fifty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 302A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 573A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 579A. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 602. Title read. Considered.

Mr. Doyle asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Standing Committee amendments, AM0718, printed separate from the Journal and referred to on page 1100 were adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 30 ayes, 1 nay, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 170. Title read. Considered.

Standing Committee amendments, AM0577, found in the Journal on page 837 for the Fortieth Day were considered.

Mrs. Labedz renewed her pending amendment, AM0865, found in the Journal on page 1079 to the Standing Committee amendments.

The Labedz amendment was adopted with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

Mr. Cullan asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendments, as amended, were adopted with 27 ayes, 1 nay, 15 present and not voting, and 6 excused and not voting.

Mr. Lamb asked unanimous consent to withdraw his pending amendment, AM0654, found in the Journal on page 896. No objections. So ordered.

Mr. Lamb renewed his pending amendment, AM0874, found in the Journal on page 1134.

The Lamb amendment was adopted with 25 ayes, 7 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 4 nays, 14 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 286A. By Vickers, 38th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 286, Eighty-eighth Legislature, First Session, 1983.

GENERAL FILE

LEGISLATIVE BILL 306. Title read. Considered.

Standing Committee amendments, AM0047, found in the Journal on page 941 for the Forty-Third 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 25 ayes, 3 nays, 15 present and not voting, and 6 excused and not voting.

MESSAGE FROM THE GOVERNOR

March 28, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 19 and 19A were received in my office on March 24, 1983.

These bills were signed by me on March 28, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 120 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - AM0888.)

Mr. Haberman asked unanimous consent to print the following amendment to LB 539 in the Journal. No objections. So ordered.

AM0928

(Amendments to the Standing Committee Amendments)

1. In the Standing Committee Amendments on page 1093 of the Journal, on page 1, after line 6 insert:

"4. On page 6, strike lines 1 through 9."

2. Renumber the remaining amendments accordingly.

Mr. Eret asked unanimous consent to print the following amendment to LB 505 in the Journal. No objections. So ordered.

AM0919

1. On page 4, lines 1 and 3, strike "alcohol" and insert "soy-fuel".

VISITORS

Visitors to the Chamber were Senator Doyle's son, Kevin; Kay Stoppkotte, Elsie Houdek, and William Knight from Chapman; and Dorothy Hull from Grand Island.

ADJOURNMENT

At 4:06 p.m., on a motion by Mr. Rupp, the Legislature adjourned until 9:00 a.m., Tuesday, March 29, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FOURTH DAY - MARCH 29, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 29, 1983

Pursuant to adjournment, the Legislature met at 9:03 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. David Argue, Christ's Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Cullan and Goll who were excused; and Messrs. Chronister, Doyle, Fowler, Haberman, Landis, Sieck, Mrs. Labedz, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1201, after line 19, insert "To the Standing Committee amendments."
The Journal for the Fifty-Third Day was approved as corrected.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 213A. Placed on Select File.
LEGISLATIVE BILL 375. Placed on Select File.
LEGISLATIVE BILL 200. Placed on Select File.
LEGISLATIVE BILL 200A. Placed on Select File.
LEGISLATIVE BILL 400. Placed on Select File.
LEGISLATIVE BILL 440. Placed on Select File.

LEGISLATIVE BILL 213. Placed on Select File as amended.
E & R amendments to LB 213:

AM5076

1. On page 1, line 8, strike the comma and insert a semicolon.

2. On page 2, line 3, strike "and"; and in line 7 after "1982" insert "; and to declare an emergency".

3. On page 10, line 11, after "taxes" insert an underscored period; and in line 13, strike the period and show as stricken.

4. On page 26, line 24, strike the semicolon and insert an underscored comma.

LEGISLATIVE BILL 234. Placed on Select File as amended.
E & R amendments to LB 234:
AM5077

1. On page 1, line 1, strike "60-312.01,"; in line 2, strike "60-1403, and" and after "60-1403.01," insert "and 60-1417.01"; in line 4, strike "and" and insert a comma and after "60-302," insert "and 60-315,"; and in lines 10 and 11, strike "to require licensing as prescribed;".

2. In the Standing Committee amendments, on page 10, lines 24 and 25, strike "Reissue Revised Statutes of Nebraska, 1943" and insert "Revised Statutes Supplement, 1982"; on page 13, line 5, strike "14 to 19" and insert "13 to 18"; on page 23, line 14, strike "14 to 19" and insert "13 to 18"; on page 28, line 4, strike "14" and insert "13", lines 7 and 8 and 19, strike "14 to 16" and insert "13 to 15"; on page 29, line 4, strike "14 to 16" and insert "13 to 15"; and on page 30, line 11, strike "60-312.01," and "60-1403,".

3. Because of the absence of any amendatory material in section 60-1403, section 11, added by the Standing Committee amendments, has been stricken.

4. Renumber remaining sections accordingly.

LEGISLATIVE BILL 541. Placed on Select File as amended.
E & R amendment to LB 541:
AM5078

1. On page 2, line 15, reinstate the stricken "and".

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendment to LB 209 in the Journal. No objections. So ordered.

79-4,176. School Board or board of education; rules and standards; establish; posted. (1) The school board or board of education shall establish and promulgate rules and standards concerning student conduct which are reasonably necessary to carry out, or to prevent interference with carrying out, any educational function, if such rules and standards are clear and definite so as to provide clear notice to students as to the conduct prescribed or required thereunder. Notwithstanding any other provisions contained in sections 79-4,170 to 79-4,205, the school board or board of education may by rule specify a particular action as a sanction for particular conduct. Any such action must be otherwise authorized by sections 79-4,172, 79-4,178, or 79-4,180. Any such rule shall be binding on all students, school officials, board members, and hearing examiners.

(2) All rules and standards established by school officials, other than the board, applicable to students shall not conflict with rules and standards adopted by the board. The board may change any rule or standard in accordance with policies which it may from time to time adopt.

(3) Rules or standards which form the basis for discipline shall be distributed to students and their parents at the beginning of each school year, or at the time of enrollment, if during the school year, and shall be posted in conspicuous places in each school during the school year. Changes in rules and standards shall not take effect until reasonable effort has been made to distribute such changes to all students and parents.

Mr. Barrett asked unanimous consent to print the following amendment to LB 524 in the Journal. No objections. So ordered.

AM0934

1. In the Labedz amendment on page 941 of the Journal on page 1, line 15, strike "through 2,950.00" and insert "and over"; and strike beginning with "2,950.01" in line 16 through "132.00" in line 21.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 119.

A BILL FOR AN ACT to amend section 74-424, Reissue Revised Statutes of Nebraska, 1943, relating to railroads; to allow the

Department of Roads to acquire certain property; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud	Barrett	Beutler	Beyer	Carsten
Clark	DeCamp	Eret	Fenger	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala				

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 7:

Chronister	Cullan	Doyle	Fowler	Goll
Kilgarin	Sieck			

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 relating to judicial proceedings; to amend sections 24-517 and 26-117, Reissue Revised Statutes of Nebraska, 1943, and section 30-2488, Revised Statutes Supplement, 1982; to change the jurisdictional amount in civil actions as prescribed; to provide procedures; to change provisions relating to claims against a decedent's estate; 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Clark	DeCamp	Eret	Fenger
Fowler	Goodrich	Haberman	Hannibal	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Vickers	Von Minden	Wagner
Warner	Wesely	Wiitala		

Voting in the negative, 0.

Excused and not voting, 6:

Chronister	Cullan	Doyle	Goll	Kilgarin
Sieck				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 194. Mr. Carsten asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 230.

A BILL FOR AN ACT to amend sections 49-1413, 49-1445, and 49-1454, Revised Statutes Supplement, 1982, relating to political accountability and disclosure; to redefine a term; to change provisions relating to when a candidate committee must be formed; to provide for committee campaign statements as prescribed; to harmonize provisions; and to repeal the original sections, and also section 49-1452, Reissue Revised Statutes of Nebraska, 1943, and section 49-1460, Revised Statutes Supplement, 1982.

Whereupon the 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Clark	DeCamp	Fenger	Fowler
Goodrich	Haberman	Hannibal	Hefner	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Vickers	Von Minden	Wagner	Warner	Wiitala

Voting in the negative, 1:

Wesely

Present and not voting, 2:

Eret Higgins

Excused and not voting, 6:

Chronister Cullan Doyle Goll Kilgarin
Sieck

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 374 to Select File

Mr. Chambers moved to return LB 374 to Select File for his pending specific amendment, AM0814, found in the Journal on page 1043.

Mr. Beutler requested a ruling of the Chair on whether the amendment is germane to the bill.

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chair ruled the amendment not germane to the bill.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Chambers requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 23:

Chambers	DeCamp	Eret	Fowler	Haberman
Hannibal	Higgins	Hoagland	Johnson, V.	Kilgarin
Labedz	Landis	Lundy	Marsh	Morehead
Newell	Pappas	Pirsch	Rupp	Schmit

Vickers	Wagner	Wiitala		

Voting in the negative, 19:

Abboud	Barrett	Beutler	Carsten	Clark
Fenger	Goodrich	Hefner	Jacobson	Johnson, L.
Johnson, R.	Kahle	Lamb	Peterson, H.	Peterson, R.
Remmers	Von Minden	Warner	Wesely	

Present and not voting, 1:

Beyer

Excused and not voting, 6:

Chronister	Cullan	Doyle	Goll	Nichol
Sieck				

The motion to overrule the Chair prevailed with 23 ayes, 19 nays, 1 present and not voting, and 6 excused and not voting.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers motion to return LB 374 to Select File lost with 16 ayes, 26 nays, and 7 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 374.

A BILL FOR AN ACT to amend section 28-1101, Reissue Revised Statutes of Nebraska, 1943, relating to crimes and punishments; to change provisions relating to gambling 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:

Abboud	Barrett	Beutler	Beyer	Carsten

Clark	Eret	Fenger	Fowler	Goodrich
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Labedz
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Vickers
Von Minden	Wagner	Warner	Wesely	Wiitala

Voting in the negative, 2:

Chambers	Kilgarin

Excused and not voting, 7:

Chronister	Cullan	DeCamp	Doyle	Goll
Haberman	Sieck			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 391.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 33-114 and 77-1701, Reissue Revised Statutes of Nebraska, 1943, and section 23-1601, Revised Statutes Supplement, 1982; to provide duties for county treasurers; to provide for collection of special assessments as prescribed; to require delivery of certain statements; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud	Barrett	Beutler	Beyer	Carsten
Clark	Eret	Fenger	Fowler	Goodrich
Hannibal	Hefner	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala				

Voting in the negative, 0.

Present and not voting, 2:

Chambers	Higgins			

Excused and not voting, 6:

Chronister	Cullan	DeCamp	Doyle	Goll
Haberman				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 454. Mr. DeCamp asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 594.

A BILL FOR AN ACT to amend section 83-145, Reissue Revised Statutes of Nebraska, 1943, relating to state institutions; to change a provision relating to the sale of Department of Correctional Services-made goods as prescribed; to allow the sale and service of certain additional products; and to repeal the original section.

Whereupon the 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Clark	Eret	Fenger	Goodrich
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala			

Voting in the negative, 0.

Present and not voting, 1:

Fowler

Excused and not voting, 6:

Chronister	Cullan	DeCamp	Doyle	Goll
Haberman				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Print in Journal

Mr. Fowler asked unanimous consent to print the following amendment to LB 210 in the Journal. No objections. So ordered.

AM0925

1. On page 2, line 3, before "The" insert "(1)".

2. On page 2, line 9, and page 3, line 4, after "payments" insert "pursuant to subsection (2) of this section".

3. On page 2, line 22, after the period insert a new subsection as follows:

"(2) The monthly income payable to a member retiring on or after the operative date of this act shall be as follows:

He or she shall receive at retirement the amount which may be purchased by the accumulated contributions based on annuity rates in effect on the date of purchase which do not utilize gender as a factor, except that such amounts shall not be less than the retirement income which can be provided by the sum of the amounts derived pursuant to subdivisions (a) and (b) of this subsection as follows:

(a) The income provided by the accumulated contributions made prior to January 1, 1984, based on male annuity purchase rates in effect on January 1, 1984; and

(b) The income provided by the accumulated contributions made on and after January 1, 1984, based on the annuity purchase rates in effect on the date of purchase which do not use gender as a factor.

(3) Any amount, in excess of contributions, which may be required in order to purchase the retirement income specified in subsection (2) of this section shall be withdrawn from the County Equal Retirement Benefit Fund.

(4) Retirement benefits for persons who retire prior to January 1, 1984, shall not be affected by changes to this section which become operative on or after January 1, 1984.".

4. On page 2, line 25, before "The" insert "(1)".

5. On page 3, line 12, after the period insert a new subsection as follows:

"(2) The monthly income payable to a member retiring on or after the operative date of this act shall be as follows:

He or she shall receive at retirement the amount which may be purchased by the accumulated contributions based on annuity rates in effect on the date of purchase which do not utilize gender as a factor, except that such amounts shall not be less than the retirement income which can be provided by the sum of the amounts derived pursuant to subdivisions (a) and (b) of this subsection as follows:

(a) The income provided by the accumulated contributions made prior to January 1, 1984, based on male annuity purchase rates in effect on January 1, 1984; and

(b) The income provided by the accumulated contributions made on and after January 1, 1984, based on the annuity purchase rates in effect on the date of purchase which do not use gender as a factor.

(3) Any amounts, in excess of contributions, which may be required in order to purchase the retirement income specified in subsection (2) of this section shall be withdrawn from the State Equal Retirement Benefit Fund.

(4) Retirement benefits for persons who retire prior to January 1, 1984, shall not be affected by changes to this section which become operative on or after January 1, 1984.".

6. Insert the following new sections:

"Sec. 3. There is hereby created the State Equal Retirement Benefit Fund, to be administered by the Public Employees Retirement Board. Each state agency participating in the state employees' retirement system pursuant to Chapter 84, article 13, shall make a contribution at least once a year to the fund, in addition to any other retirement contributions. Such contribution shall be in an amount determined by the primary carrier administering the group annuity contract to provide all similarly situated male and female members of the state employees' retirement system with equal benefits pursuant to subsection (2) of section 84-1319 and to provide for direct expenses incurred in administering the fund. The amount contributed to the fund by each state agency participating in the state employees' retirement system shall be proportionate to the total amount such agency contributes to the system for retirement benefits.

Sec. 4. There is hereby created the County

Equal Retirement Benefit Fund, to be administered by the Public Employees Retirement Board. Each county participating in the county employees' retirement system on the operative date of this act pursuant to Chapter 23, article 23, shall make a contribution at least once a year to the fund, in addition to any other retirement contributions. Such contribution shall be in an amount determined by the carrier, as defined in section 23-2301, to provide all similarly situated male and female members of the county employees' retirement system with equal benefits pursuant to subsection (2) of section 23-2317 and to provide for direct expenses incurred in administering the fund. The board shall keep a record of the contributions made by each county.

Sec. 5. This act shall become operative on January 1, 1984.".

7. Renumber original section 3 as section 6.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 498. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - AM0921.)

(Signed) David Landis, Chairperson

RESIGNATION

March 29, 1983

Honorable William E. Nichol
Speaker, Nebraska Unicameral
Room 2101, State Capitol
Lincoln, Nebraska 68509

Dear Mr. Speaker:

I wish to respectfully advise you and the full membership that I am hereby submitting my resignation from the position of State Senator for the 14th Legislative District, to be effective immediately upon your receipt of this letter.

It has been a great honor for me to have served as a member of the Eighty-Eighth Legislature, along with the other members of that distinguished body.

Sincerely,
(Signed) Thomas D. Doyle

State Senator
District No. 14

copies to:
Honorable Robert Kerrey, Governor
Honorable Donald F. McGinley, President
Patrick J. O'Donnell, Clerk

MOTION - Place LB 611 on General File

Mr. Warner renewed his pending motion found in the Journal on page 1079 to place LB 611 on General File notwithstanding the Committee action.

Mr. Warner moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 36 not voting.

Mr. Warner requested a roll call vote on his motion to place LB 611 on General File.

Voting in the affirmative, 20:

Fowler	Goodrich	Haberman	Hoagland	Johnson, L.
Johnson, V.	Kilgarin	Labedz	Landis	Marsh
Morehead	Newell	Nichol	Pirsch	Schmit
Von Minden	Wagner	Warner	Wesely	Wiitala

Voting in the negative, 18:

Abboud	Barrett	Beutler	Beyer	Carsten
Eret	Fenger	Hefner	Jacobson	Kahle
Lamb	Lundy	Peterson, H.	Peterson, R.	Remmers
Rupp	Sieck	Vickers		

Present and not voting, 5:

Chambers	Clark	Hannibal	Higgins	Johnson, R.

Absent and not voting, 1:

Pappas

Excused and not voting, 4:

Chronister	Cullan	DeCamp	Goll

The Warner motion lost with 20 ayes, 18 nays, 5 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

MOTION - Reconsider Action on LB 325

Mr. Fowler renewed his pending motion found in the Journal on page 1074 to reconsider action on indefinitely postponing LB 325.

Messrs. Haberman and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 19 not voting.

Mr. Beutler moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 31 not voting.

Mr. Newell requested a roll call vote on the Fowler motion to reconsider action.

Voting in the affirmative, 23:

Beutler	Chambers	Fowler	Higgins	Hoagland
Jacobson	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Nichol	Pirsch	Rupp	Vickers
Wagner	Warner	Wesely		

Voting in the negative, 18:

Abboud	Barrett	Beyer	Carsten	Clark
DeCamp	Eret	Fenger	Goodrich	Hefner
Johnson, L.	Newell	Pappas	Peterson, H.	Peterson, R.
Remmers	Von Minden	Wiitala		

Present and not voting, 2:

Hannibal	Sieck

Excused and not voting, 5:

Chronister	Cullan	Goll	Haberman	Schmit

The motion to reconsider lost with 23 ayes, 18 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

SPEAKER'S ANNOUNCEMENT

Speaker Nichol announced that LB 426 is withdrawn as a Speaker's priority bill.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 119, 137, 230, 374, 391, and 594.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 125, 155, and 199.

Correctly Engrossed

The following bills were correctly engrossed: 169 and 302.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 125

The following changes, required to be reported for publication in the Journal, have been made:
ER0035

1. In the Beutler amendment found on page 1118 of the Journal, which is to the Final Reading copy, "& show as stricken" has been stricken in both amendments.

2. Because of the Beutler amendment, on page 3, line 10; page 4, line 8; and page 5, line 2, "the" has been stricken and "The" inserted.

Enrollment and Review Change to LB 169

The following changes, required to be reported for publication in the Journal, have been made:
ER0032

1. In the E & R amendment, page 1, line 6, after the second semicolon "to provide an operative date;" has been inserted; and on page 11, line 25, "5" has been stricken and "6" inserted.

2. In the Newell amendment, AM0737, line 9, "4" has been stricken and "5" inserted.

3. On page 1, line 1, "relating to revenue and taxation;" has been inserted after "ACT"; in lines 2 and 3, ", relating to revenue and taxation" has been stricken; in line 4, after the semicolon "to change

provisions relating to the limitations of setting tax rates and increments of the rates;" has been inserted; and in line 6, before "and" a comma has been inserted.

Enrollment and Review Change to LB 302

The following changes, required to be reported for publication in the Journal, have been made:
ER0033

1. On page 1, line 1, strike "fuels" and insert "motor vehicles"; in line 2, after the second comma insert "66-601,"; in line 4, "and" has been stricken; in line 5, after "1982", ", and section 60-301, Revised Statutes Supplement, 1982, as amended by section 1, Legislative Bill 72, Eighty-eighth Legislature, First Session, 1983" has been inserted; and in line 8, "and redefine" has been inserted after "define".

2. On page 15, line 12, "and" has been stricken; and in line 13, "and section 60-301, Revised Statutes Supplement, 1982, as amended by section 1, Legislative Bill 72, Eighty-eighth Legislature, First Session, 1983," has been inserted after "1982,".

3. In the Standing Committee amendments, page 1, line 21, "8" has been stricken and "10" inserted; in page 3, the matter has been stricken beginning with the semicolon in line 12 through the last quotation mark in line 13 and in lines 22 and 23, "10 to 17" has been stricken and "12 to 19" inserted; and amendments 7, 8, and 11 have been stricken.

4. For purposes of correlation with section 1 of LB 72, in the Carsten amendment, AM0828, page 4, line 26, ", including combinations of trucks or truck-tractors and trailers or semitrailers," has been inserted after the second "trucks"; and on page 5, line 11, ", and beginning when new plates are issued pursuant to section 60-311 after the effective date of this act, the words NOT FOR HIRE" has been inserted after "farm".

5. In the Carsten amendment, AM0828, on page 1, line 3 after "1982,", "as amended by section 1, Legislative Bill 72, Eighty-eighth Legislature, First Session, 1983," has been inserted; on page 9, the matter has been stricken beginning with the semicolon in line 20 through the last quotation mark in line 21; and amendment 6 has been stricken.

(Signed) Tristi J. Wilson
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 200 in the Journal. No objections. So ordered.

AM0938

1. 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.".

Miss Kilgarin and Mr. Warner asked unanimous consent to print the following amendment to LB 169 in the Journal. No objections. So ordered.

AM0939

(Amendments to Final Reading Copy)

1. Strike section 3.
2. Renumber remaining sections accordingly.

VISITORS

Visitors to the Chamber were a group of women representing Tri-Diocesan Council of Catholic women; 40 eighth grade students, teachers, and sponsors from Christ the King School, Omaha; 19 students, teacher, and sponsors from Lewiston Consolidated, Pawnee County; and Jan McReynolds, Mrs. Labedz's daughter, granddaughter, Amy Jo McReynolds and friend, Sheila Connolly.

RECESS

At 11:54 a.m., on a motion by Mr. Sieck, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m, Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Cullan and Goll who were excused; and Messrs. Barrett, Fowler, Haberman, Hannibal, Hoagland, Landis, Schmit, Sieck, Von Minden, Warner, Wiitala, Mesdames Labedz, and Morehead who were excused until they arrive.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 259A. By Hefner, 19th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 259, Eighty-eighth Legislature, First

Session, 1983.

LEGISLATIVE BILL 416A. By Fenger, 45th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 416, Eighty-eighth Legislature, First Session, 1983.

MR. BEUTLER PRESIDING

MOTION - Speaker's Procedure

Speaker Nichol's motion found in the Journal on page 1187 was considered.

GENERAL FILE

LEGISLATIVE BILL 259. Title read. Considered.

Standing Committee amendments, AM0677, printed separate from the Journal and referred to on page 955 for the Forty-Fourth Day were considered.

Mrs. Pirsch offered the following amendment to the Standing Committee amendments:
AM0860
1. In the Standing Committee amendments
AM0677, on page 7, line 22, before "in" insert "or".

Pending.

Mr. Haberman moved to refer LB 259 to the Miscellaneous Subjects Committee.

Mr. Haberman asked unanimous consent to withdraw his pending motion. No objections. So ordered.

The Pirsch pending amendment to the Standing Committee amendments was adopted with 29 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Mrs. Pirsch offered the following amendment to the Standing Committee amendments:
AM0861
(Amendments to Standing Committee Amendments AM0677)
1. On page 7 strike beginning with "in" in
line 24 through line 26.
2. On page 8, strike beginning with

4 "corporation" in line 1 through the semicolon in line 4.

Mrs. Pirsch moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 30 not voting.

Mrs. Pirsch requested a roll call vote on her amendment.

Voting in the affirmative, 10:

Abboud	Beyer	Haberman	Kahle	Kilgarin
Lamb	Nichol	Pirsch	Remmers	Von Minden

Voting in the negative, 26:

Barrett	Carsten	Chambers	Clark	DeCamp
Eret	Fowler	Hannibal	Hefner	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Labedz	Landis
Lundy	Marsh	Morehead	Pappas	Peterson, H.
Schmit	Sieck	Vickers	Wagner	Warner
Wesely				

Present and not voting, 8:

Beutler	Chronister	Fenger	Goodrich	Newell
Peterson, R.	Rupp	Wiitala		

Absent and not voting, 1:

Higgins

Excused and not voting, 3:

Cullan	Goll	Hoagland

The Pirsch amendment lost with 10 ayes, 26 nays, 8 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Mrs. Pirsch offered the following amendment to the Standing Committee amendments:

1. In the Standing Committee amendments AM0677, on page 5, strike section 71.

2. On page 5 strike sections 67 and 70 and insert the following new section:

"Sec. 67. Sections 62 to 65 shall become operative on their effective date. The remaining sections shall become operative on July 1, 1984.".

3. On page 13, strike beginning with "strike" in line 15 through "comma" in line 17 and insert "in line 17 strike ', and' and insert 'to'; and in line 19 after '9-153,' insert '9-156,'.".

4. Renumber section 71 as section 70.

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

The Pirsch amendment lost with 2 ayes, 18 nays, 24 present and not voting, and 4 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 31 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 29, 1983, at 2:42 p.m., were the following bills: 119, 137, 230, 374, 391, and 594.

(Signed) Jan Loder, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 198 in the Journal. No objections. So ordered.

1. On page 4, after line 8 insert a new paragraph to read as follows:

"Nothing in this act shall be construed to alter existing statutes regarding the relationship between naturally occurring surface and ground water."

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 623. Placed on General File as amended.
Standing Committee amendments to LB 623:
AM0927

1. Strike section 1.

2. On page 6, line 14, strike "Christian,"
and show as stricken and strike the second comma and show as stricken; and strike beginning with "when" in line 19 through "name" in line 21.

3. On page 7, line 22, strike "Christian,"
and show as stricken and strike the third comma and show

as stricken.

4. On page 8, strike beginning with "The" in line 1 through the period in line 3; strike beginning with "Candidates" in line 7 through the period in line 12; and strike beginning with "Any" in line 26 through line 27.

5. On page 9, lines 1 through 3, strike the new matter.

6. On page 10, line 1, strike "with" and insert "to".

7. On page 11, lines 3 and 23, strike "with" and insert "to"; and in line 13 strike "with", show as stricken, and insert "to".

8. On page 12, lines 14 through 16, reinstate the stricken matter.

9. On page 19, line 26, strike the new matter and reinstate the stricken matter; and in line 27 reinstate "hundred fifty and".

10. On page 26, strike beginning with "in" in line 4 through the comma in line 5.

11. On page 28, line 4, strike "one" and insert ": (1) One"; and in line 7 after "office" insert "at an election in which more than five hundred total votes were cast; or (2) two per cent or less of the votes received by the candidate who received the highest number of votes for the office at an election in which five hundred or less total votes were cast, then such candidate".

12. On page 29, line 15, strike ". All recounts" and insert "; "; and in line 16 after "courthouse" insert ";".

13. Renumber the remaining sections accordingly.

(Signed) Dave Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 190 in the Journal. No objections. So ordered.

AM0947

1. Insert the following new sections:

"Sec. 3. (1) Every operator of a mechanical amusement device, as defined by section 77-3001, shall install a tamperproof meter to every such device which shall record the amount of money or tokens which are inserted into such device.

(2) The gross proceeds of each mechanical amusement device which are recorded by the meter in subsection (1) of this section, whether such proceeds are represented by coin, currency, or tokens, shall be subject to a five per cent amusement tax, payable on a monthly basis.

Sec. 4. The administration of the provisions of section 3 of this act is hereby vested in the Tax Commissioner, who may adopt and promulgate rules and regulations relating to such administration.

Sec. 5. (1) Any unauthorized person tampering with, adjusting, altering, changing, disconnecting, or failing to install a meter to a mechanical amusement device pursuant to section 3 of this act, or to cause any of the foregoing to occur, shall be guilty of a Class IV felony.

(2) Any person failing to file, incorrectly filing, falsely filing, or failing to pay the tax imposed by section 3 of this act, shall be subject to the same procedures and penalties for similar violations of sales and use taxes pursuant to 77-2708 to 77-2713.".

2. Renumber the remaining sections accordingly.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 336 in the Journal. No objections. So ordered.

AM0948

1. Insert the following new sections:

"Sec. 34. (1) Every operator of a mechanical amusement device, as defined by section 77-3001, shall install a tamperproof meter to every such device which shall record the amount of money or tokens which are inserted into such device.

(2) The gross proceeds of each mechanical amusement device which are recorded by the meter in subsection (1) of this section, whether such proceeds are represented by coin, currency, or tokens, shall be subject to a five per cent amusement tax, payable on a monthly basis.

Sec. 35. The administration of the provisions of section 34 of this act is hereby vested in the Tax Commissioner, who may adopt and promulgate rules and regulations relating to such administration.

Sec. 36. (1) Any unauthorized person tampering with, adjusting, altering, changing, disconnecting, or failing to install a meter to a mechanical amusement device pursuant to section 34 of

this act, or to cause any of the foregoing to occur, shall be guilty of a Class IV felony.

(2) Any person failing to file, incorrectly filing, falsely filing, or failing to pay the tax imposed by section 34 of this act, shall be subject to the same procedures and penalties for similar violations of sales and use taxes pursuant to 77-2708 to 77-2713.".

2. Renumber the remaining sections accordingly.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 258 in the Journal. No objections. So ordered.

AM0949

1. On page 3, line 5; page 4, line 11; page 5, lines 23 and 24; page 6, lines 8 and 9, and 22; page 11, lines 11 and 12; page 12, line 8; page 16, lines 20 and 21; and page 17, lines 1, 7 and 8, 10 and 11, and 17 and 18, strike "and the other sections of this act" and insert "and sections 1 to 23 of this act".

2. Insert the following new sections:

"Sec. 24. (1) Every operator of a mechanical amusement device, as defined by section 77-3001, shall install a tamperproof meter to every such device which shall record the amount of money or tokens which are inserted into such device.

(2) The gross proceeds of each mechanical amusement device which are recorded by the meter in subsection (1) of this section, whether such proceeds are represented by coin, currency, or tokens, shall be subject to a five per cent amusement tax, payable on a monthly basis.

Sec. 25. The administration of the provisions of section 24 of this act is hereby vested in the Tax Commissioner, who may adopt and promulgate rules and regulations relating to such administration.

Sec. 26. (1) Any unauthorized person tampering with, adjusting, altering, changing, disconnecting, or failing to install a meter to a mechanical amusement device pursuant to section 24 of this act, or to cause any of the foregoing to occur, shall be guilty of a Class IV felony.

(2) Any person failing to file, incorrectly filing, falsely filing, or failing to pay the tax imposed by section 24 of this act, shall be subject to the same procedures and penalties for similar violations of sales and use taxes pursuant to 77-2708 to 77-2713.".

3. Renumber the remaining sections

accordingly.

GENERAL FILE

LEGISLATIVE BILL 259. Considered.

Mrs. Pirsch offered the following amendment:
AM0859

1. Insert the following new section:

"Sec. 22. That section 9-146, Revised Statutes Supplement, 1982, be amended to read as follows:

9-146. (1) Not more than ten bingo occasions per month may be held by a licensed organization. Bingo occasions held as part of a limited period bingo shall not be counted in determining whether a licensed organization has exceeded the limitation provided in this subsection.

(2) Irrespective of the number of licensed organizations authorized to hold bingo occasions within a single structure or building, not more than two limited period bingos per year and, with the exception of a limited period bingo, not more than five ~~two~~ bingo occasions per week may be held within such structure or building. The governing board of the incorporated city or village in which such structure or building is situated or the governing board of the county in which such structure or building is situated, if it be situated outside the limits of an incorporated city or village, may allow, following actual notice to all licensed organizations within the boundaries of the political subdivision and published notice to the public and public hearing on such allowance, more than five ~~two~~ bingo occasions per week within such structure or building. Such allowance may be granted for a period not to exceed three years and only upon an affirmative showing that no building or structure suitable for the conduct of a bingo occasion is available for lease or rental within such political subdivision, except the structure or building for which the allowance is sought, and that no injury to the public welfare will result from such allowance.".

2. On page 41, line 19, strike "9-145" and insert "9-146".

3. Renumber the remaining sections accordingly.

4. If the Standing Committee amendments AM0677 and the Pirsch amendment AM0859 are adopted,

18 change all internal references accordingly.

Mrs. Higgins and Miss Kilgarin asked unanimous consent to be excused until they return. No objections. So ordered.

The Pirsch amendment lost with 3 ayes, 17 nays, 22 present and not voting, and 6 excused and not voting.

Mr. Beyer offered the following amendment:
AM0906
1. On page 28, line 17, strike "two" and
insert "one".

The Beyer amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 461. Placed on Select File as amended.
E & R amendment to LB 461:
AM5083
1. On page 2, line 17, strike
"Seller-Assisted Marketing Plan Act" and insert
"provisions of sections 59-1701 to 59-1761".

LEGISLATIVE BILL 599. Placed on Select File as amended.
E & R amendments to LB 599:
AM5084
1. On page 1, line 5, after the semicolon
insert "to provide for severability;".
2. On page 7, line 17, strike "soliciation"
and insert "solicitation".
3. On page 8, line 17, strike the comma.

LEGISLATIVE BILL 424. Placed on Select File.
LEGISLATIVE BILL 469. Placed on Select File.

LEGISLATIVE BILL 225. Placed on Select File as amended.
E & R amendment to LB 225:
AM5085
1. On page 2, line 9, strike "a" and insert
"an" and after "or" insert "a".

LEGISLATIVE BILL 225A. Placed on Select File.

LEGISLATIVE BILL 415. Placed on Select File.
LEGISLATIVE BILL 353. Placed on Select File.
LEGISLATIVE BILL 511. Placed on Select File.

LEGISLATIVE BILL 227. Placed on Select File as amended.
E & R amendments to LB 227:
AM5079
1. On page 1, line 3, strike "teachers" and insert "teachers'".
2. On page 2, line 2, after "Deaf" insert a comma; and in line 10 after "Handicapped" insert a comma.

LEGISLATIVE BILL 503. Placed on Select File as amended.
E & R amendments to LB 503:
AM5080
1. On page 1, line 1, after "ACT" insert "relating to railroads;"; and in line 4 after "Rail" insert "Line".
2. On page 3, line 26, strike "roadbed, track" and insert "roadbeds, tracks".

LEGISLATIVE BILL 587. Placed on Select File.

LEGISLATIVE BILL 397. Placed on Select File as amended.
E & R amendment to LB 397:
AM5081
1. In the Standing Committee amendments, on page 1, line 3, strike "Nebraska based" and insert "Nebraska-based" and strike the first comma.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Member Excused

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 120. Title read. Considered.

Standing Committee amendment, AM0755, found in the Journal on page 1017 for the Forty-Seventh Day was considered.

Mr. Warner offered the following amendment to the Standing Committee amendment:

AM0953
(Amendments to Standing Committee amendments, AM0755)
1. On page 3, line 20, strike "section" and insert "subsection".

The Warner amendment was adopted with 24 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Warner renewed his pending amendment, AM0888, printed separate from the Journal and referred to on page 1209.

The amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 34 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 505. Title read. Considered.

Mr. Schmit offered the following amendment:

1. On page 3, line 4, strike the new matter and insert "Such programs may include a program to make grants and enter into contracts for research, accumulation of data, and prototype development for the production of alcohol"; strike the new matter in lines 5 through 10; in lines 23 and 24 strike "commodity program, including, but not limited to:", show the old matter as stricken, and insert "soybean development, utilization, and marketing program. Such program may include a program to make grants and enter into contracts for research, accumulation of data, and prototype development for the production of alcohol"; and strike lines 25 through 27.

2. On page 4 strike the new matter in lines 1 through 3.

3. On page 5 strike beginning with "commodity" in line 15 through line 16, show the old matter as stricken, and insert "development utilization, and marketing program. Such program may include a program to make grants and enter into contracts for research, accumulation of data, and prototype development for the production of alcohol"; and strike the new matter in lines 17 through 22.

4. On page 7 strike beginning with "commodity" in line 9 through line 10, show the old matter as stricken, and insert "grain sorghum development, utilization, and marketing program. Such program may include a program to make grants and enter into contracts for research, accumulation of data, and prototype development for the production of alcohol"; and strikes the new matter in lines 10 through 15.

The amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Schmit offered the following amendment:
AM0155

1. Insert the following new sections:

"Sec. 2. That section 2-2311, Revised Statutes Supplement, 1982, be amended to read as follows:

2-2311. (1) There is hereby levied an excise tax of not to exceed seven and one half mills per bushel upon all wheat sold through commercial channels in the State of Nebraska. The tax is levied and imposed on the grower at the time of sale or delivery, and shall be collected by the first purchaser. Under the provisions of sections 2-2301 to 2-2319 and 2-2320, no wheat shall be subject to the tax more than once.

(2) The board shall have the power to reduce the excise tax for such period as it shall deem justified, but not less than one year, whenever it shall determine that the excise tax provided by this section is yielding more than is required to carry out the intent and purposes of sections 2-2301 to 2-2319 and 2-2320. If the board, after reducing such excise tax, finds that sufficient revenue is not being produced by such excise tax, it may restore in full or in part such excise tax not to exceed seven and one half mills per bushel.

(3) For purposes of this section wheat which is received by a grower pursuant to any federal program shall not be subject to the tax levied and imposed pursuant to this section until sold or delivered by such grower and shall not be construed as having previously been subject to the excise tax imposed under subsection (1) of this section.

Sec. 4. That section 2-3316, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3316. (1) There shall be paid to the board a fee of not to exceed one cent per bushel upon all soybeans grown in the State of Nebraska and sold through commercial channels. The fee shall be paid by the grower at the time of sale or delivery and shall be collected by the first purchaser. Under the provisions of sections 2-3301 to 2-3324, no soybeans shall be subject to the fee more than once.

(2) The board may, whenever it shall determine that the fees provided by this section are yielding more

than is required to carry out the intent and purposes of sections 2-3301 to 2-3324, reduce such fees for such period as it shall deem justified, but not less than one year. If the board, after reducing such fees, finds that sufficient revenue is not being produced by such reduced fees, it may restore in full or in part such fees not to exceed one cent per bushel.

(3) For purposes of this section soybeans which are received by a grower pursuant to any federal program shall not be subject to the fee levied and imposed pursuant to this section until sold or delivered by such grower and shall not be construed as having previously been subject to the fee imposed under subsection (1) of this section.

Sec. 6. That section 2-3623, Revised Statutes Supplement, 1982, be amended to read as follows:

2-3623. (1) There is hereby levied a fee of not to exceed four-tenths of a cent per bushel upon all corn grown in the State of Nebraska and sold through commercial channels. The fee shall be paid by the grower at the time of sale or delivery and shall be collected by the first purchaser. Under the provisions of sections 2-3601 to 2-3635, no corn shall be subject to the fee more than once.

(2) For purposes of this section corn which is received by a grower pursuant to any federal program shall not be subject to the fee levied and imposed pursuant to this section until sold or delivered by such grower and shall not be construed as having previously been subject to the fee imposed under subsection (1) of this section.

Sec. 8. That section 2-4012, Revised Statutes Supplement, 1982, be amended to read as follows:

2-4012. (1) After August 31, 1981, there shall be paid to the board a fee of not to exceed one cent per hundred weight upon all grain sorghum sold through commercial channels in the State of Nebraska. The fee shall be paid by the grower at the time of sale or delivery and shall be collected by the first purchaser. Under the provisions of sections 2-4001 to 2-4020, no grain sorghum shall be subject to the fee more than once.

(2) The board may, whenever it shall determine that the fees provided by this section are yielding more than is required to carry out the intent and purposes of sections 2-4001 to 2-4020, reduce such fees for such period as it shall deem justified, but not less than one year. If the board, after reducing such fees, finds

that sufficient revenue is not being produced by such reduced fees, it may restore in full or in part such fees not to exceed one half of one cent per hundred weight.

(3) For purposes of this section grain sorghum which is received by a grower pursuant to any federal program shall not be subject to the tax levied and imposed pursuant to this section until sold or delivered by such grower and shall not be construed as having previously been subject to the fee imposed under subsection (1) of this section.".

2. On page 8, line 21, strike "section 2-3311" and insert "sections 2-3311 and 2-3316"; in line 22 after "2-2309," insert "2-2311,"; in line 23 after "2-3622," insert "2-3623,", and strike "and 2-4011" and insert "2-4011, and 2-4012".

3. Renumber original sections 2, 3, 4, and 5 as sections 3, 5, 7, and 9 respectively.

The amendment was adopted with 28 ayes, 1 nay, 13 present and not voting, and 6 excused and not voting.

Mr. Eret asked unanimous consent to withdraw his pending amendment, AM0919, found in the Journal on page 1210. No objections. So ordered.

Mr. Clark asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 1 nay, 13 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 169 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - AM0968.)

GENERAL FILE

LEGISLATIVE BILL 73. Title read. Considered.

Standing Committee amendment, AM0805, found on the Journal on page 1058 for the Forty-Ninth Day was adopted with 26 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Eret renewed his pending amendment, AM0837, found in the Journal on page 1168.

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

The Eret amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Kahle offered the following amendment:
AM0933
1. In the Standing Committee Amendments
AM0805, strike amendments 3 and 4.

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

Mr. DeCamp offered the following amendment:

On Page 9, beginning on Line 18, strike the new language through Line 23. Reinstate the stricken language.

On Page 15, beginning on Line 25, strike the new language through Line 27, and on Page 16, strike the new language from Line 1 through Line 9.

SPEAKER NICHOL PRESIDING

The DeCamp amendment lost with 15 ayes, 13 nays, 12 present and not voting, and 8 excused and not voting.

Mr. Schmit moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 33 not voting.

Advanced to E & R for Review with 25 ayes, 7 nays, 8 present and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Kahle asked unanimous consent to print the following amendment to LB 73 in the Journal. No objections. So ordered.

AM0933
1. In the Standing Committee Amendments
AM0805, strike amendments 3 and 4.

Messrs. Hannibal, Wesely, Hefner, Lundy, Pappas, and Sieck asked unanimous consent to print the following amendment to LB 560 in the

Journal. No objections. So ordered.

AM0943

1. On page 3, line 26, strike "and".

2. On page 4, line 3, strike the period and insert "; and"; after line 3 insert:

"(8) Base taxable year shall mean any year in which a facility shall make new investment which results in the employment of additional employees."; in line 24 strike "annually"; in line 25 after "employees" insert "in jobs"; in line 26 strike the comma, after "each" insert "base", and strike the period and insert "; and"; and after line 26 insert:

"(3) Which makes a new investment of at least one hundred thousand dollars for each base taxable year for which the credit is claimed.".

3. On page 5, strike lines 6 through 10 and insert:

"(1) For the base taxable year:

(a) Three hundred dollars for each one hundred thousand dollars, up to a maximum of five million dollars, of new investment by the corporation which results in the employment of one additional employee over two such additional employees; and

(b) One hundred fifty dollars for each additional employee whose employment results from such new investment in excess of the employee or employees for whom credit is granted pursuant to subdivision (1)(a) of this section; and

(2) For any taxable year subsequent to the base taxable year, in which the base taxable year new investment results in employment of one or more additional employees, one hundred fifty dollars for each such additional employee.".

4. On page 7, line 16, after "eligibility" insert "for credits claimed pursuant to subdivision (1) of section 5 of this act" and strike "ten" and insert "five. Eligibility for credits claimed pursuant to subdivision (2) of section 5 of this act may be certified during the years of eligiblility remaining for credits claimed pursuant to subdivision (1) of section 5 of this act"; and in line 26 strike "tenth" and insert "fifth".

Mr. Newell asked unanimous consent to print the following amendment to LB 304 in the Journal. No objections. So ordered.

AM0960

1. In the Standing Committee Amendments, on page 1, line 1, after "14" insert "; and on page 10, lines 5, 9, and 18"; in line 2 strike "in" and insert "on page 3," and after "16" insert "; and on page 10, line 19,".

2. Insert the following new section:

"Sec. 4. That section 17-568, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-568. ~~The city or village engineer shall make estimates of the cost of labor and materials which may be done or furnished by contract with the city or village, and make all surveys, estimates, and calculations necessary for the establishment of grades, building of culverts, sewers, bridges, curbings, and gutters, and the improvement of streets and the erection or repair of buildings, and for the purchase of motor equipment, street machinery, and all other mechanical equipment for the use of such city or village, and shall perform such other duties as the council or board of trustees may require; Provided, the~~ The mayor and council or board of trustees may, when they deem it expedient, employ a special engineer to make, or assist in making, any estimate necessary or to perform any other ~~such~~ duty ~~herein~~ provided for~~; and any~~ in section 17-568.01. Any work executed by such special engineer shall have the same validity and serve in all respects as though executed by the city or village engineer.".

3. On page 9, line 2, after "a" insert "right of".

4. On page 10, line 8, after "council" insert "or village board"; and strike lines 23 through 27.

5. On page 11, strike lines 1 through 9.

6. Reinstate the stricken matter beginning with "Such" on page 12, line 23 through the period on page 13, line 22, number such matter as subsection (3) of section 4 and place such matter in the appropriate place.

7. On page 15, line 11, strike "section" and insert "sections 17-568 and".

8. Renumber the remaining sections accordingly.

Mr. Newell asked unanimous consent to print the following amendment to LB 133 in the Journal. No objections. So ordered.

1. On page 7, line 7, after "B" insert "and K".

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

1. Add two new sections:

"Sec. _____. For the fiscal year ending June 30, 1984, the State Energy Office shall contract with the Department of Public Welfare for delivery of low income energy assistance services for those persons eligible for other Department of Public Welfare assistance programs.

Sec. _____. For the fiscal year ending June 30, 1984, ten percent of the federal funds received by the State of Nebraska for the Low Income Energy Assistance Program as provided by Title XXVI of the Omnibus Budget Reconciliation Act of 1981, Public Law 97-208, shall be transferred to the Department of Public Welfare, Program 347, for the purposes of the Title XX Social Services Block Grant."

2. Renumber original sections accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 372A. By Landis, 46th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 372, Eighty-eighth Legislature, First Session, 1983.

VISITORS

Visitors to the Chamber were Suella Stalder from Omaha; AARP members from Hastings; Tom Davies from Falls City; 50 eighth through twelfth grade students, teacher, and sponsor from Verdigre; Pat Twiehaus and Billie Sonderman from Lexington; and Mr. and Mrs. Minard Parr from Roseland.

ADJOURNMENT

At 5:00 p.m., on a motion by Mr. Landis, the Legislature adjourned until 9:00 a.m., Wednesday, March 30, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIFTH DAY - MARCH 30, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

FIFTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 30, 1983

Pursuant to adjournment, the Legislature met at 9:05 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Forrest Morningstar, Chaplain at Eastmont Towers, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beyer, Goll, and Mrs. Labedz who were excused; and Messrs. Chambers, Haberman, V. Johnson, Newell, Schmit, Sieck, Wagner, Warner, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Fourth Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 59
March 29, 1983

Dear Senator Fowler:

You have called our attention to LB 220, which would authorize any first or second class city or village having a volunteer fire department or rescue squad to establish an annuity plan for the personnel of such squads. You ask whether enabling legislation is needed to permit a municipality to purchase such annuities. We conclude that it is.

We point out that enabling legislation has been adopted to authorize retirement systems for various types of state employees, for school employees, and for county employees. Neb.Rev.Stat. §19-3501

(Reissue 1977) authorizes cities of the first and second class and villages to establish pension plans for the benefit of regularly employed or appointed full-time employees of the city. That section further provides that the employee shall contribute an amount at least equal to the city's contribution.

The statutory authorization for the establishment of a retirement system which would exclude volunteer firemen, who are not "full-time employees," or, as we understand it, even part-time employees, would, we believe, manifest an intent on the part of the Legislature not to authorize a retirement system for them. Since the Legislature has authorized so many different retirement systems, we believe the authority to establish such a system should not be implied, in the absence of specific statutory authority.

You also ask whether fire protection districts and municipalities may authorize other benefits or reimbursements for services, such as paying a fixed dollar amount to each volunteer for each call to which he responds, as reimbursement for expenses such as gasoline, loss of work time, etc. We conclude that such payments can be made.

Neb.Rev.Stat. §17-718 authorizes the city council in cities and villages having only voluntary fire departments or companies to levy a tax for the maintenance and benefit of such fire departments or companies. It appears to us that the payments you describe could be considered to be ordinary expenses of the voluntary fire department or company. We find nothing which limits payment of the proceeds of the tax to purchase of physical equipment or supplies. In the absence of such limitation, we believe the expenditures you describe would not be prohibited.

You also ask about payments for insurance premiums for loss of income in the case of disability while serving as a volunteer. We find nothing specific on this matter either with respect to cities or villages or rural and suburban fire protection districts organized pursuant to Neb.Rev.Stat. §35-501, et seq. (Reissue 1978). However, we do note that Neb.Rev.Stat. §44-742 (Reissue 1978) does speak of blanket sickness and accident insurance covering all the members of any volunteer fire department, first aid, or other such volunteer group. If such groups were not authorized to have such coverage, it would appear that §44-742 would not have referred to such a policy. We therefore conclude that such coverage can be furnished.

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

RHG:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 236. Placed on Select File as amended.
E & R amendments to LB 236:
AM5087
1. For correlation purposes on page 1, strike beginning with the first comma in line 9 through "1982" in line 12.
2. For correlation purposes on page 7, strike beginning with the last comma in line 20 through "1982" in line 23.

LEGISLATIVE BILL 326. Placed on Select File as amended.
E & R amendment to LB 326:
AM5082
1. On page 1, line 4, strike "and"; and in line 5 after "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 350. Placed on Select File.
LEGISLATIVE BILL 366. Placed on Select File.

LEGISLATIVE BILL 412. Placed on Select File as amended.
E & R amendment to LB 412:
AM5086
1. On page 3, line 11, strike "Nebraska".

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 73 in the Journal. No objections. So ordered.

On Page 9, beginning on Line 18, strike the new language through Line 23. Reinstate the stricken language.

Mr. Warner asked unanimous consent to print the following amendment to LB 602 in the Journal. No objections. So ordered.

AM0964
1. Insert the following new section:
"Sec. 12. That Laws 1982, Second Special Session, LB 1, section 21, be amended to read as follows:
Sec. 21. Agency No. 26 — Department of Public Welfare

In addition to any other information provided by the Department of Public Welfare with its 1983-84 budget request, the department shall provide the following:

(1) A report by type of service or aid of the use and distribution of federal funds by the department received under federal block grants from the United States Department of Health and Human Services as follows:

(a) Actual expenditure of block grant funds for state and federal fiscal year 1981-82;

(b) Current budget and planned use and distribution of block grant funds for state and federal fiscal year 1982-83; and

(c) Requested use and distribution of block grant funds for state and federal fiscal years 1983-84 and 1984-85.

(2) A report by type of service or aid of the use and distribution of General, cash, or nonblock federal funds to match, supplement, or provide joint funding of services funded by use of federal block grant funds. Such information shall be provided as required for subdivisions (1) (a), (b), and (c) above.

The department shall revise or otherwise provide an update to the Legislative Fiscal Office on January 5, 1983, of any information submitted as required under subdivisions (1) and (2) above to reflect any changes that might occur subsequent to submission of its 1983-84 budget request but prior to January 5, 1983.

(3) Program No. 341 - Administration of Public Assistance

GENERAL FUND	12,071,842
FEDERAL FUND est.	22,268,400
PROGRAM TOTAL	34,340,242

Total expenditures for permanent and temporary salaries and per diems for state employees shall not exceed $6,664,577.

There is included in the appropriation to this program $000 General Funds, $000 Federal Funds, for county administration, which shall only be used for such purposes. No expenditure for permanent and temporary salaries and per diems for state employees shall be made from appropriations for county administration.

(4) Program No. 347 - Public Assistance

GENERAL FUND	~~75,408,659~~	77,880,550
CASH FUND	~~17,262,848~~	17,380,843
FEDERAL FUND est.	~~141,245,925~~	150,381,176
PROGRAM TOTAL	~~233,917,432~~	245,642,569

No personal services expenditures for state employees shall be made from appropriations to this program.

There is included in the appropriation to this program ~~$75,408,659~~ $77,880,550 General Funds, ~~$17,262,848~~ $17,380,843 Cash Funds, ~~$141,245,925~~ $150,381,176 Federal Funds estimate, for state aid, which shall only be used for such purposes.

There is included in the appropriation to this program $4,943,612 Federal Funds, for Social Services for the mentally retarded, which shall only be used for such purposes.

For accounting purposes only, the appropriation to this program include:

(a) Nonfederal Medical Assistance	
GENERAL FUND	17,000
TOTAL	17,000
(b) Energy Assistance	
FEDERAL FUND est.	14,514,628
TOTAL	14,514,628
(c) Subsidized Adoption	
GENERAL FUND	748,641
TOTAL	748,641
(d) State Disabled Program - Medical	
GENERAL FUND	772,965
CASH FUND	110,423
TOTAL	883,388
(e) State Disabled Program - Maintenance	
GENERAL FUND	250,000
TOTAL	250,000
(f) Aid to Dependent Children	
GENERAL FUND	21,263,754
FEDERAL FUND	29,509,298
TOTAL	50,773,052
(g) State Supplement to Supplemental Security Income	
GENERAL FUND	5,671,585
TOTAL	5,671,585
(h) Indo-China Refugees	
FEDERAL FUND	900,000
TOTAL	900,000
(i) Emergency Assistance	
FEDERAL FUND	125,000
TOTAL	125,000
(j) Catastrophic Illness	
GENERAL FUND	31,250
FEDERAL FUND	62,500

TOTAL		93,750	
(k) Work Incentive Program			
GENERAL FUND		112,000	
FEDERAL FUND		871,080	
TOTAL		983,080	
(l) Child Welfare and Status Offender			
GENERAL FUND		5,537,886	
FEDERAL FUND		444,000	
TOTAL		5,981,886	
(m) Medicaid			
GENERAL FUND	~~39,631,495~~	42,103,386	
CASH FUND	~~17,152,425~~	17,270,420	
FEDERAL FUND	~~82,100,771~~	91,236,022	
TOTAL	~~138,884,691~~	150,609,828	
(n) Social Services			
GENERAL FUND		2,177,501	
FEDERAL FUND		12,571,339	
TOTAL		14,748,840	
(o) Domestic Violence Program			
GENERAL FUND		428,000	
TOTAL		428,000	
(p) IV - E Adoption			
GENERAL FUND		106,147	
FEDERAL FUND		147,309	
PROGRAM TOTAL		253,456	
(q) Disabled Persons and Family Support Program			
GENERAL FUND		0	
TOTAL		0	
(5) Program No. 523 - Services for Crippled Children			
GENERAL FUND		1,727,716	
FEDERAL FUND est.		895,107	
PROGRAM TOTAL		2,622,823	

Total expenditures for permanent and temporary salaries and per diems shall not exceed $411,180.

There is included in the appropriation to this program $1,274,000 General Funds, $895,107 Federal Funds estimate, for state aid, which shall only be used for such purposes.

(6) Program No. 524 - Nebraska Center for Children and Youth		
GENERAL FUND	2,810,301	
CASH FUND	129,132	
FEDERAL FUND est.	71,422	
PROGRAM TOTAL	3,010,855	

Total expenditures for permanent and temporary salaries and per diems shall not exceed $2,218,448.

(7) Program No. 547 - Economic Opportunity Act

FEDERAL FUND est.	1,576,746	
PROGRAM TOTAL	1,576,746	

Total expenditures for permanent and temporary salaries and per diems shall not exceed $61,611.

There is included in the appropriation to this program $1,495,443 Federal Funds estimate, for state aid, which shall only be used for such purposes. For Informational Purposes Only: Total Appropriations to Agency No. 26 and Fund Source

GENERAL FUND	~~92,018,518~~	94,490,409
CASH FUND	~~17,391,980~~	17,509,975
FEDERAL FUND est.	~~166,057,600~~	175,192,851
AGENCY TOTAL	~~275,468,098~~	287,193,235".

2. On page 52, line 20, after "20," insert "21,".

3. Renumber remaining sections accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LB 602 in the Journal. No objections. So ordered.

Amendment to the Warner Amendment AM0964

PURPOSE:

To use the maximum allowable transfer of 10 percent from the Low Income Energy Assistance Block Grant to the Title XX Social Service Block Grant, allowing $1,815,097 of the Social Service general fund appropriation to reduce the deficit appropriation for Medicaid.

AMENDMENT:

On page 3 of the Warner Amendment (AM0964) in line 2, strike the new matter and insert "76,065,453"; in line 5, strike the new matter and insert "243,827,472"; in line 10, strike the new matter and insert "76,065,453"; in lines 24 and 25, strike "14,514,628", show as stricken and insert "12,699,531".

On page 5, in line 16, strike "2,177,501", show as stricken and insert "362,404", in line 17, strike "12,571,339", show as stricken and insert "14,386,436".

On page 7, in line 8, strike the new matter and insert "92,675,312", in line 11, strike the new matter and insert "285,378,138".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 259 in the Journal. No objections. So ordered.

AM0950

1. On page 3, lines 5, 18, and 21; page 4,

lines 3 and 13; page 5, line 10; page 9, line 11; page 12, line 2; page 13, lines 10 and 11 and 19; page 22, lines 2 and 3, 14, and 15, and 18; page 23, lines 14 and 15; page 26, lines 7 and 8; and page 33, line 27 strike "the other sections" and insert "sections 5 to 16 and 38 to 65 of this act".

2. On page 3, line 17, strike "and", show as stricken, and insert an underscored comma.

3. On page 33, line 26, strike the first "and" and insert an underscored comma.

4. In the Standing Committee Amendments AM0677, on page 5, strike beginning with "the" in line 25 through "sections" in line 26 and insert "sections 38 to 65".

5. Insert the following new sections:

"Sec. 66. (1) Every operator of a mechanical amusement device, as defined by section 77-3001, shall install a tamperproof meter to every such device which shall record the amount of money or tokens which are inserted into such device.

(2) The gross proceeds of each mechanical amusement device which are recorded by the meter in subsection (1) of this section, whether such proceeds are represented by coin, currency, or tokens, shall be subject to a five per cent amusement tax, payable on a monthly basis.

Sec. 67. The administration of the provisions of section 66 of this act is hereby vested in the Tax Commissioner, who may adopt and promulgate rules and regulations relating to such administration.

Sec. 68.(1) Any unauthorized person tampering with, adjusting, altering, changing, disconnecting, or failing to install a meter to a mechanical amusement device pursuant to section 66 of this act, or to cause any of the foregoing to occur, shall be guilty of a Class IV felony.

(2) Any person failing to file, incorrectly filing, falsely filing, or failing to pay the tax imposed by section 66 of this act, shall be subject to the same procedures and penalties for similar violations of sales and use taxes pursuant to 77-2708 to 77-2713.".

6. Renumber the remaining sections accordingly.

REPORT

Received Nebraska Public Transportation Biennial Report from Nebraska Department of Roads pursuant to Section 19-3905.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 53.

RESOLUTION

LEGISLATIVE RESOLUTION 52. Read. Considered.

LR 52 was adopted with 31 ayes, 0 nays, and 37 not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Vickers asked unanimous consent to have his name added as co-introducer to LB 353. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Remmers asked unanimous consent to print the following amendment to LB 117 in the Journal. No objections. So ordered.

AM0931

1. Insert the following new sections:

"Section 1. That section 25-205, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-205. (1) Except as provided in subsections (2) and (3) of this section, an ~~An~~ action upon a specialty, or any agreement, contract or promise in writing, or foreign judgment, can only be brought within five years. ~~; Provided that no~~

(2) No action at law or equity may be brought or maintained attacking the validity or enforceability of or to rescind or declare void and uncollectible any written contract entered into pursuant to, in compliance with, or in reliance on, a statute of the State of Nebraska which has been or hereafter is held to be unconsitutional by the Supreme Court of Nebraska where such holding is the basis for such action, unless such action be brought or maintained within one year from the effective date of such decision. ~~or within one year from November 22, 1963, whichever is the latest in time; and provided further, that the~~

(3) An action upon a breach of an agreement, contract, or promise in writing which covers farm products, as described in section 9-109, Uniform Commercial Code, shall be brought within eighteen months from the date of the breach involved.

(4) The provisions of this section ~~hereof~~ shall not operate to extend the time in which to bring any action or to revive any action now barred by reason of the operation of any previously existing limitation provisions.

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. On page 2, lines 5 and 6, strike the new matter and reinstate the stricken matter; strike lines 22 through 26 and insert:

"(4) A buyer who purchases farm products or a person who sells farm products for another for a fee or commission shall pay the seller the total purchase price by means of a check payable to such seller and a security interest holder who shall be specified by such seller, and if the security interest holder authorizes the cashing of such check, such buyer or person shall be free of any security interest up to the amount of the check. Any such buyer or person who does not include the name of a security interest holder on such check shall take such farm products subject to any valid security interest which may exist in such farm products."; and in line 27 after "original" insert "section 25-205, Reissue Revised Statutes of Nebraska, 1943, and".

3. On page 3, line 1, strike "is" and insert "are".

4. Renumber original sections 1 and 2 as sections 2 and 3, respectively.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 344 in the Journal. No objections. So ordered.

AM0952

1. In the Standing Committee Amendments on page 543 of the Journal on page 2 strike beginning with "The" in line 19 through the period in line 23.

MOTION - Place LB 588 on General File

Speaker Nichol and Mr. Hoagland renewed their pending motion found in the Journal on page 1180 to place LB 588 on General File notwithstanding the Committee action.

Mr. Wiitala 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 26 ayes, 0 nays, and 22 not voting.

Mr. Hoagland moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 27 not voting.

Mr. Cullan requested a record vote on the Nichol-Hoagland motion to place LB 588 on General File.

Voting in the affirmative, 21:

Chronister	Cullan	Eret	Fowler	Goodrich
Hefner	Hoagland	Johnson, L.	Kahle	Lamb
Lundy	Marsh	Morehead	Nichol	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Von Minden
Wiitala				

Voting in the negative, 21:

Abboud	Barrett	Beutler	Carsten	Clark
DeCamp	Fenger	Haberman	Hannibal	Higgins
Jacobson	Johnson, R.	Johnson, V.	Kilgarin	Landis
Newell	Pappas	Sieck	Vickers	Warner
Wesely				

Excused and not voting, 6:

Beyer	Chambers	Goll	Labedz	Schmit
Wagner				

The motion lost with 21 ayes, 21 nays, and 6 excused and not voting.

The Chair declared the Call raised.

ANNOUNCEMENT

The Chair announced today is Senator Wesely's birthday.

MOTION - Approve Appointments

Mr. Beutler moved the adoption of the report of the Judiciary Committee for the following Governor appointments found in the Journal on page 1092: Colonel E. J. Kohmetscher - Superintendent, Nebraska State Patrol; Marj Marlette - Nebraska Board of Parole; Charles Benson - Director of the Nebraska Department of Corrections.

Voting in the affirmative, 30:

Abboud	Barrett	Beutler	Carsten	Chronister
Clark	Fenger	Goodrich	Hannibal	Hefner
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Landis	Marsh	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Remmers
Sieck	Vickers	Von Minden	Warner	Wesely

Voting in the negative, 0.

Present and not voting, 12:

Cullan	DeCamp	Eret	Fowler	Haberman
Higgins	Lamb	Lundy	Morehead	Pirsch
Rupp	Wiitala			

Excused and not voting, 6:

Beyer	Chambers	Goll	Labedz	Schmit
Wagner				

The appointments were confirmed with 30 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Vickers moved the adoption of the report of the Education Committee for the following Governor appointments found in the Journal on page 1196: Thomas Lawrence Morrissey and Pete G. Kotsiopulos - Board of Trustees of Nebraska State Colleges.

Voting in the affirmative, 29:

Abboud	Barrett	Carsten	Chronister	DeCamp
Eret	Fowler	Goodrich	Hannibal	Hefner
Hoagland	Johnson, L.	Johnson, R.	Kahle	Kilgarin
Lamb	Landis	Lundy	Marsh	Newell
Nichol	Pappas	Peterson, R.	Remmers	Sieck
Vickers	Von Minden	Warner	Wesely	

Voting in the negative, 0.

Present and not voting, 13:

Beutler	Clark	Cullan	Fenger	Haberman
Higgins	Jacobson	Johnson, V.	Morehead	Peterson, H.
Pirsch	Rupp	Wiitala		

Excused and not voting, 6:

Beyer	Chambers	Goll	Labedz	Schmit

Wagner

The appointments were confirmed with 29 ayes, 0 nays, 13 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. Haberman moved the adoption of the report of the Agriculture and Environment Committee for the following Governor appointments found in the Journal on page 1196: Michael M. Garwood and William C. Peters - Environmental Control Council.

Voting in the affirmative, 29:

Abboud	Barrett	Carsten	Chronister	Clark
DeCamp	Eret	Fenger	Fowler	Goodrich
Hannibal	Hefner	Hoagland	Johnson, L.	Johnson, R.
Kahle	Kilgarin	Lamb	Lundy	Marsh
Pappas	Peterson, H.	Peterson, R.	Remmers	Rupp
Sieck	Von Minden	Warner	Wesely	

Voting in the negative, 0.

Present and not voting, 12:

Beutler	Cullan	Higgins	Jacobson	Johnson, V.
Landis	Morehead	Newell	Nichol	Pirsch
Vickers	Wiitala			

Excused and not voting, 7:

Beyer	Chambers	Goll	Haberman	Labedz
Schmit	Wagner			

The appointments were confirmed with 29 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 52.

SELECT FILE

LEGISLATIVE BILL 571. E & R amendment, AM5070, found in the Journal on page 1104 for the Fiftieth Day was adopted.

Mr. Hefner moved to indefinitely postpone LB 571.

Laid over.

LEGISLATIVE BILL 465. E & R amendments, AM5073, found in the Journal on page 1139 for the Fifty-First Day were adopted.

Mrs. Higgins asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Wagner asked unanimous consent to have LB 465 laid over.

Mr. H. Peterson objected.

Mr. Wagner moved to have LB 465 laid over.

The motion prevailed with 21 ayes, 0 nays, 20 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 432. E & R amendments, AM5073, found in the Journal on page 1139 for the Fifty-First Day were adopted.

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Newell moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 34 not voting.

Mr. Newell requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 21:

Beutler	Cullan	DeCamp	Eret	Fowler
Goodrich	Hannibal	Hoagland	Johnson, V.	Kilgarin
Landis	Lundy	Marsh	Morehead	Newell
Pappas	Rupp	Sieck	Vickers	Wesely
Wiitala				

Voting in the negative, 18:

Abboud	Barrett	Chronister	Clark	Fenger
Hefner	Jacobson	Johnson, L.	Johnson, R.	Kahle
Lamb	Peterson, H.	Peterson, R.	Pirsch	Remmers
Von Minden	Wagner	Warner		

Present and not voting, 2:

Carsten	Nichol

Excused and not voting, 7:

Beyer	Chambers	Goll	Haberman	Higgins
Labedz	Schmit			

Failed to advance to E & R for Engrossment with 21 ayes, 18 nays, 2 present and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 96. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 235A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 309. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 213. E & R amendments, AM5076, found in the Journal on page 1211 for the Fifty-Fourth Day were adopted.

Mr. Newell requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 3 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 213A. Advanced to E & R for Engrossment.

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 234. E & R amendments, AM5077, found in the Journal on page 1212 for the Fifty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 26. E & R amendments, AM5017, found in the Journal on page 446 for the Twenty-Third Day and corrected on page 452 were adopted.

Mr. Beyer asked unanimous consent to withdraw his pending amendment, AM0632, found in the Journal on page 850. No objections. So ordered.

Mr. Newell renewed his pending amendment, AM0403, found in the Journal on page 1179.

The amendment lost with 3 ayes, 10 nays, 27 present and not voting, and 8 excused and not voting.

Mr. Warner offered the following amendment:
AM0739

1. On page 2, strike beginning with "residential" in line 12 through "per" in line 13 and insert "parcel of land of less than".

2. On page 3, line 14, after "zoned" insert "predominantly"; and in line 15 strike "predominantly".

3. On page 5, line 27, after the semicolon insert "or".

4. On page 6, strike beginning with the semicolon in line 3 through "zone" in line 5; and in lines 16 through 21 strike the new matter.

5. On page 7, after line 16, insert:

"(3) Land receiving special assessment as agricultural use land immediately prior to the effective date of this act, which becomes disqualified on the effective date of this act solely because of the amendment of sections 77-1343, 77-1344, and 77-1347 by this legislative bill, shall not be subject to subsection (1) of this section at that time, but shall be subject to subsection (1) of this section if any other event occurs which would disqualify such land if it were still receiving the special assessment as agricultural use land.".

6. Insert the following new section:

"Sec. 6. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

7. Renumber remaining section accordingly.

The amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mrs. Pirsch offered the following amendment:
AM0574

1. On page 2, strike beginning with "residential" in line 12 through "acres" in line 13 and insert "parcel of land which is ten acres or less".

2. On page 5, line 14, strike the second "the", show as stricken, and insert "a" and strike "and" and insert "of"; in line 15 strike "until", show as stricken, and insert "if"; and in line 27 after the semicolon insert "or".

3. On page 6, line 3, after "77-1348" insert an underscored period; and strike beginning with the semicolon in line 3 through the period in line 5.

The amendment lost with 3 ayes, 14 nays, 25 present and not voting,

and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 506. E & R amendments found in the Journal on page 1200 for the Fifty-Third Day were adopted.

Mr. Haberman offered the following amendment:

Since an emergency exists, this act shall be in full force and take effect from and after its passage and approval, according to law.

The amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 533 in the Journal. No objections. So ordered.

AM0935

1. Strike the original sections and insert the following new sections:

"Section 1. That section 85-107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-107. The University of Nebraska may embrace the following colleges and institute: (1) Graduate; (2) Arts and Sciences; (3) Institute of Agriculture, Natural Resources, and Rural Development; (4) ~~Veterinary Medicine and Surgery; (5)~~ Home Economics; (5) ~~(6)~~ Engineering and Technology; (6) ~~(7)~~ Teachers', or Education, as may be provided; (7) ~~(8)~~ Law; (8) ~~(9)~~ Medicine; (9) ~~(10)~~ Rural Health and related subjects; (10) ~~(11)~~ Pharmacy; (11) ~~(12)~~ Dentistry; (12) ~~(13)~~ Business Administration; (13) ~~(14)~~ Nursing; (14) ~~(15)~~ Continuing Studies; (15) ~~(16)~~ Architecture; (16) ~~(17)~~ Public Affairs and Community Service; (17) ~~(18)~~ University College; and (18) ~~(19)~~ Fine Arts.

~~Commencing with the fall semester of 1975, the~~ The University of Nebraska-Lincoln School of Journalism shall have the authority to award graduate degrees and shall establish a supporting graduate-level curriculum, including but not limited to television, radio, communications, and affiliated subjects.

Sec. 2. That section 85-180, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

85-180. ~~Until such time as the Legislature may provide suitable structures and educational facilities for a School of Veterinary Medicine and Surgery, the~~ The Board of Regents is authorized to enter into agreements with suitable schools or colleges of veterinary medicine and surgery in other states, and to make expenditures pursuant thereto, for the purpose of utilizing the educational facilities of such schools and colleges ~~for teaching students in the Nebraska School of Veterinary Medicine and Surgery in such required courses as are not offered at the University of Nebraska by reason of a lack of suitable facilities~~ to provide Nebraska students an educational program leading to the Doctor of Veterinary Medicine degree.

Sec. 3. The Legislature hereby declares that livestock production is one of Nebraska's largest industries and that control and eradication of livestock diseases is one of the most severe problems confronting the livestock producers of this state. The Legislature finds that a strong graduate educational, research, and service program in veterinary science at the University of Nebraska-Lincoln related to animal health practices and preventative and diagnostic veterinary medicine for the control and eradication of livestock diseases is vital to the welfare of the livestock industry and the general welfare of the state.

Sec. 4. The Board of Regents of the University of Nebraska is authorized to employ such staff and expend such funds as may be appropriated by the Legislature for the purpose of establishing (1) a graduate program leading to the doctorate degree in veterinary science at the University of Nebraska-Lincoln Institute of Agriculture and Natural Resources and (2) research and service programs related to animal health practices and preventative and diagnostic veterinary medicine for the control and eradication of livestock diseases.

Sec. 5. Nothing in sections 3 and 4 of this act shall be construed to reduce or diminish the state's support of present University of Nebraska programs and their existing needs. It is the intent of the Legislature that the graduate educational, research, and service program in veterinary science established as a result of sections 3 and 4 of this act shall be provided with necessary operating funds which shall be in addition to funds provided for existing University of

Nebraska programs.

Sec. 6. That original sections 85-107 and 85-180, Reissue Revised Statutes of Nebraska, 1943, and also sections 85-180.01 to 85-181, Reissue Revised Statutes of Nebraska, 1943, and Laws 1981, LB 245A, section 7, are repealed.".

2. On page 1, strike beginning with "relating" in line 1 through line 10 and insert "to amend sections 85-107 and 85-180, Reissue Revised Statutes of Nebraska, 1943, relating to the University of Nebraska; to change provisions relating to authorized colleges and institutes; to authorize a graduate program in veterinary science; to state intent; and to repeal the original sections, and also sections 85-180.01 to 85-181, Reissue Revised Statutes of Nebraska, 1943, and Laws 1981, LB 245A, section 7.".

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 183. Placed on General File.

LEGISLATIVE BILL 358. Indefinitely postponed.
LEGISLATIVE BILL 392. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

SELECT FILE

LEGISLATIVE BILL 133. Mr. Newell renewed his pending amendment found in the Journal on page 1243.

The amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Hefner offered the following amendment:
Add a new section to LB 133 as follows:

1. 53-123.03. Beer distributor's license; designated territory; right of licensee. A beer distributor's license shall allow the wholesale purchase, importation and storage of beer and sale, including delivery, of the brand or brands described in such license to licensees in this state in the sales territory prescribed in the license for each brand, and to such persons without the state as may be permitted by law; and shall allow the licensee to do all things incident to the carrying on of the wholesale beer business. The license shall designate the territory within which the licensee may sell the designated products of any brewer as agreed upon by the licensee and the brewer.

2. Renumber remaining sections as necessary.

The amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 200. Mr. Schmit renewed his pending amendment, AM0938, found in the Journal on page 1226.

The amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 200A. Mr. Schmit offered the following amendment:

Add the following new section:

Since an emergency exists, this act shall be in full force and take effect from and after its passage and approval, according to law.

The amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 204. E & R amendment, AM5058, found in the Journal on page 968 for the Forty-Fifth Day was adopted.

Mr. Wesely offered the following amendment:
AM0871

1. On page 4, line 21, strike the new matter and reinstate the stricken matter.

The amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 204A. Mr. Wesely offered the following amendment:

1. On page 2, strike lines 9, 10 and 11 and insert "Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall neither exceed $3,400 for the period July 1, 1983 to June 30, 1984, nor $3,400 for the period July 1, 1984 to June 30, 1985."

Mr. Wesely moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 30 not voting.

The Wesely amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

The Chair declared the Call raised.

LEGISLATIVE BILL 199A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 541. E & R amendment, AM5078, found in the Journal on page 1212 for the Fifty-Fourth Day was adopted.

Mr. Wesely renewed his pending amendment, AM0767, found in the Journal on page 1185.

The amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 400. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 440. Mrs. Morehead renewed her pending amendment, AM0881, found in the Journal on page 1133.

The amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 461. E & R amendment, AM5083, found in the Journal on page 1235 for the Fifty-Fourth Day was adopted.

Messrs. R. Johnson and Beutler offered the following amendment:
AM0913

1. Strike original section 10.
2. On page 1, line 2, after the second comma insert "and"; and strike beginning with "and" in line 2 through the first comma in line 3.
3. On page 12, line 3, after the fourth comma insert "and"; and in line 4 strike "and 59-1750,".
4. Renumber original section 11 as section 10.

The amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 599. E & R amendments, AM5084, found in the Journal on page 1235 for the Fifty-Fourth Day were adopted.

Mr. Schmit asked unanimous consent to pass over temporarily. No objections. So ordered.

LEGISLATIVE BILL 424. Mr. V. Johnson offered the following amendment:
AM0932

1. On page 2, line 3, before the comma insert "and section 3 of this act"; in line 10 strike "twenty-five", show as stricken and insert "ten"; in line 15 strike the comma and show as stricken, and insert "or"; and strike beginning with the comma in line 16 through "firefighter" in line 18 and show as stricken.

2. Insert the following new sections:

"Sec. 3. The state, governmental agencies, and political subdivisions may be sued upon claims arising under the Act Prohibiting Unjust Discrimination in Employment Because of Age in the same manner as provided by such act for suits against other employers. In such proceedings against the State of Nebraska, summons shall be issued by the district court and shall be served upon the Attorney General, and in all other cases involving claims against governmental agencies or political subdivisions, when not otherwise provided for by law, summons shall be served upon the principal officer of the governmental agency or political subdivision involved or the presiding officer of the governing body thereof in the same manner as provided for service of summons upon other employers.

Sec. 4. That section 48-1220, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1220. As used in sections 48-1219 to 48-1227, unless the context otherwise requires:

(1) Employee shall mean any individual employed by an employer, including individuals employed by the state or any of its political subdivisions including public bodies;

(2) Employer shall mean a person engaged in an industry who has ~~twenty-five~~ ten or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year and any agent of such person, and includes the State of Nebraska, its governmental agencies, and political subdivisions, but such term does not include the United States, a corporation wholly owned by the government of

the United States, or an Indian tribe;

(3) Wage rate shall mean all compensation for employment including payment in kind and amounts paid by employers for employee benefits as defined by the commission in regulations issued under the provisions of sections 48-1219 to 48-1227;

(4) Employ shall include to suffer or permit to work;

(5) Commission shall mean the Equal Opportunity Commission; and

(6) Person shall include one or more individuals, partnerships, corporations, legal representatives, trustees, trustees in bankruptcy, or voluntary associations.

Sec. 5. The state, governmental agencies, and political subdivisions may be sued upon claims arising under section 48-1219 to 48-1227 in the same manner as provided by such sections for suits against other employers. In such proceedings against the State of Nebraska, summons shall be issued by the district court and shall be served upon the Attorney General, and in all other cases involving claims against governmental agencies or political subdivisions, when not otherwise provided for by law, summons shall be issued out of such court and served upon the principal officer of the governmental agency or political subdivision involved or the presiding officer of the governing body thereof in the same manner as provided for service of summons upon other employers.".

3. On page 3, line 27, strike "and" and insert a comma.

4. On page 4, line 1, after the first comma insert "and 48-1220,".

5. Renumber original section 3 as section 6.

Mr. Cullan requested a record vote on the V. Johnson amendment.

Voting in the affirmative, 7:

Fowler	Johnson, V.	Kilgarin	Landis	Marsh
Newell	Vickers			

Voting in the negative, 18:

Barrett	Carsten	Clark	Cullan	DeCamp
Hannibal	Johnson, L.	Kahle	Lamb	Lundy
Pappas	Peterson, H.	Pirsch	Remmers	Sieck
Von Minden	Wagner	Warner		

Present and not voting, 19:

Abboud	Beutler	Chambers	Chronister	Eret
Fenger	Goodrich	Haberman	Hefner	Hoagland
Jacobson	Johnson, R.	Morehead	Nichol	Peterson, R.
Rupp	Schmit	Wesely	Wiitala	

Excused and not voting, 4:

Beyer	Goll	Higgins	Labedz

The amendment lost with 7 ayes, 18 nays, 19 present and not voting, and 4 excused and not voting.

Messrs. DeCamp and Cullan asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. V. Johnson offered the following amendment:

1. On page 2, line 3, before the comma insert "and section 3 of this act"; in line 15 strike the comma and show as stricken, and insert "or"; and strike beginning with the comma in line 16 through "firefighter" in line 18 and show as stricken.

2. Insert the following new sections:

"Sec. 3. The state, governmental agencies, and political subdivisions may be sued upon claims arising under the Act Prohibiting Unjust Discrimination in Employment Because of Age in the same manner as provided by such act for suits against other employers. In such proceedings against the State of Nebraska, summons shall be issued by the district court and shall be served upon the Attorney General, and in all other cases involving claims against governmental agencies or political subdivisions, when not otherwise provided for by law, summons shall be served upon the principal officer of the governmental agency or political subdivision involved or the presiding officer of the governing body thereof in the same manner as provided for service of summons upon other employers.

Sec. 4. That section 48-1220, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1220. As used in sections 48-1219 to 48-1227, unless the context otherwise requires:

(1) Employee shall mean any individual employed by an employer, including individuals employed

by the state or any of its political subdivisions including public bodies;

(2) Employer shall mean a person engaged in an industry who has ~~twenty-five~~ twenty-five or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year and any agent of such person, and includes the State of Nebraska, its governmental agencies, and political subdivisions, but such term does not include the United States, a corporation wholly owned by the government of the United States, or an Indian tribe;

(3) Wage rate shall mean all compensation for employment including payment in kind and amounts paid by employers for employee benefits as defined by the commission in regulations issued under the provisions of sections 48-1219 to 48-1227;

(4) Employ shall include to suffer or permit to work;

(5) Commission shall mean the Equal Opportunity Commission; and

(6) Person shall include one or more individuals, partnerships, corporations, legal representatives, trustees, trustees in bankruptcy, or voluntary associations.

Sec. 5. The state, governmental agencies, and political subdivisions may be sued upon claims arising under section 48-1219 to 48-1227 in the same manner as provided by such sections for suits against other employers. In such proceedings against the State of Nebraska, summons shall be issued by the district court and shall be served upon the Attorney General, and in all other cases involving claims against governmental agencies or political subdivisions, when not otherwise provided for by law, summons shall be issued out of such court and served upon the principal officer of the governmental agency or political subdivision involved or the presiding officer of the governing body thereof in the same manner as provided for service of summons upon other employers.".

3. On page 3, line 27, strike "and" and insert a comma.

4. On page 4, line 1, after the first comma insert "and 48-1220,".

5. Renumber original section 3 as section 6.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 32 not voting.

Mr. V. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Barrett	Beutler	Chambers	Chronister	Eret
Fowler	Goodrich	Hannibal	Hoagland	Johnson, V.
Kahle	Kilgarin	Landis	Lundy	Marsh
Morehead	Newell	Pappas	Rupp	Schmit
Sieck	Vickers	Wagner	Wesely	Wiitala

Voting in the negative, 14:

Abboud	Carsten	Clark	Haberman	Hefner
Jacobson	Johnson, L.	Lamb	Nichol	Peterson, H.
Pirsch	Remmers	Von Minden	Warner	

Present and not voting, 2:

Fenger Johnson, R.

Absent and not voting, 1:

Peterson, R.

Excused and not voting, 6:

Beyer	Cullan	DeCamp	Goll	Higgins
Labedz				

The V. Johnson amendment was adopted with 25 ayes, 14 nays, 2 present and not voting, 1 absent and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

The Chair declared the Call raised.

Messrs. Barrett and Haberman asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 599. Mr. Schmit renewed his pending amendment, AM0917, found in the Journal on page 1186.

The amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 469. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 225. E & R amendment, AM5085, found in the Journal on page 1235 for the Fifty-Fourth Day was adopted.

Mr. Beutler offered the following amendment:
Pg 3 line 13 after the word "their" insert "out of state" and in line 14 strike the words "in Nebraska"

The amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Pending.

NOTICE OF COMMITTEE HEARING
Public Health and Welfare

Confirmation Hearing - Mr. Vernon Miers, Commission for the Hearing Impaired
Friday, April 8, 1983 1:00 p.m.

(Signed) George Fenger, Chairperson

MOTION - Reconsider Action on LB 611

Mr. Chambers moved to reconsider the Warner motion to place LB 611 on General File notwithstanding the action of the committee.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 259 in the Journal. No objections. So ordered.

AM0967

1. Insert the following new sections:
"Section 38. That section 28-101, Revised Statutes Supplement, 1982, be amended to read as follows:
28-101. Sections 28-101 to 28-1335, ~~and~~ sections 28-929 to 28-933, and sections 67 to 72 of this act shall be known as the Nebraska Criminal Code.
Sec. 67. It shall not be unlawful for any person to engage in gambling on a sports or athletic event or contest if the bet is placed with a person who complies with sections 68 to 70 of this act. Sections 67 to 70 of this act shall not apply to horse racing.

Sec. 68. A tax of five per cent of the amount of the bet is hereby imposed on any bet made with respect to a sports or athletic event or contest. Each person engaged in the business of accepting bets shall be liable for the tax on all bets placed with him or her. Employees of a person engaged in such business shall not be liable for such tax.

Sec. 69 An additional tax of two thousand dollars per year shall be paid by each person liable for the tax imposed by section 68 of this act and by each person, other than an employee, who is engaged in receiving bets for or on behalf of a person so liable.

Sec. 70. Each person required to pay a tax pursuant to section 69 of this act shall register with the Department of Revenue. The department shall issue an appropriate stamp to each person who pays such tax and such person shall conspicuously place and keep in his or her establishment or place of business all stamps denoting payment of the tax.

Sec. 71. The Department of Revenue shall be responsible for collecting all taxes imposed by sections 68 and 69 of this act. The taxes shall be paid to the State Treasurer for deposit in the General Fund.

Sec. 72. Any person who violates any provision of sections 67 to 70 of this act shall be guilty of a Class I misdemeanor.".

2. In the Standing Committee amendments AM0677, on page 1, line 7, strike "58" and insert "59".

3. On page 5, line 8, strike "56, 58 to 61, and 69" and insert "57, 59 to 62, and 76"; in line 10 strike "54" and insert "55"; in line 12 strike "57, 62 to 68, 70, and 71" and insert "58, 63 to 66, 74, 75, 77, and 78"; in line 14 strike "70" and insert "77"; and in line 18 strike "71" and insert "78".

4. On page 12, line 10, strike "44" and insert "45"; in line 15 strike "50" and insert "51"; in line 20 strike "55 and 56" and insert "56 and 57"; in line 21 strike "55" and insert "56" and strike "56" and insert "57"; and in line 22 strike "54" and insert "55".

5. On page 13, line 12 strike "62" and insert "63"; in line 14 strike "62 to 65" and insert "63 to 66"; and in line 17 after "comma" insert "and after '9-174,' insert 'and 28-101' ".

6. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 336. Placed on General File as amended.
Standing Committee amendments to LB 336:
AM0977

1. On page 2, line 6; page 7, line 22; page 9, lines 12 and 13; page 19, line 21; and page 20, line 6, strike "Community Betterment".

2. On page 2, line 27, after the semicolon insert "and".

3. On page 3, strike lines 1 through 7; and in line 8 strike "(7)" and insert "(6)".

4. On page 7, line 7, strike "33" and insert "32".

5. On page 12, line 7, strike "comission" and insert "commission".

6. On page 19, line 24, strike "rceived" and insert "received".

7. On page 20, line 10, after the comma insert "and"; and strike beginning with the comma in line 12 through "purposes" in line 14.

8. Strike original section 32 and insert the following new sections:

"Sec. 33. There is hereby created in the state treasury the General Homestead Property Tax Relief Fund. The money in such fund shall be deposited in such depositories as the State Treasurer may select. Such fund shall consist of revenue transferred from the State Lottery Fund and such other revenues as the Legislature may from time to time provide. Interest earnings from the fund shall be considered additional profits of the lottery. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 34. Beginning in fiscal year 1984-85, and in each fiscal year thereafter, the Legislature shall transfer all money in the State Lottery Fund, less expenditures authorized in section 31 of this act, to the General Homestead Property Tax Relief Fund. All money appropriated to the General Homestead Property Tax Relief Fund shall be used to defray the expenses of the general homestead exemption authorized under section 77-3506.

Sec. 39. That section 77-3506, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3506. (1) All homesteads in this state shall be assessed for taxation the same as other property, except that there shall be exempt from taxation (a) one hundred ~~the first twenty-five~~ per cent

of the actual value of any homestead having an actual value of fifteen hundred dollars or less and (b) the first twenty per cent of the first ~~four~~ seventeen thousand dollars of the actual value of any homestead having an actual value in excess of fifteen hundred dollars.

(2) The percentage ~~percentages~~ in ~~subdivisions (a) and~~ subdivision (b) of subsection (1) of this section shall be increased to ~~fifty and forty-five, respectively~~ one hundred per cent, in the case of any veteran as defined in section 80-401.01, for the year in which such veteran reaches seventy years of age and for each subsequent year, or the unremarried widow or widower of any such veteran or the husband or wife of any such veteran when the veteran is not the owner.".

9. On page 28, line 7, strike "and" and after the second comma insert "and 77-3506,".

10. Renumber the remaining sections accordingly.

(Signed) Elroy Hefner, Chairperson

MESSAGE FROM THE GOVERNOR

March 30, 1983

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

Dear Mr. President and Senators:

I am hereby returning L.B. 134 without my signature and with my objections.

Standing by itself, L.B. 134 is not a "bad" piece of legislation. The concern behind the bill is legitimate. Unfortunately, however, we do not have the luxury of viewing individual pieces of legislation in isolation without regard to the overall fiscal problems this State is currently facing.

The passage of this legislation will have an adverse impact on the cost of the State Health Insurance Program. Although there can be some debate as to the extent of this cost there is no doubt that it will increase the expense to both existing State employees and potentially to the State as well at a time when we are facing a serious problem with the overall cost of the State's Health Insurance Program.

Additionally, it is this type of legislation, passed without regard to the potential future costs, which has gotten us into the existing fiscal problem we are jointly facing. We can no longer afford to look at these individual pieces of legislation in isolation but rather must continually be cognizant of the aggregate impact these bills will have on the State's fiscal picture in the future.

I urge you strongly to support and sustain this veto because now is the time to reduce not increase the cost of the State's Health Insurance Program for the benefit of both the taxpayers and current State employees themselves.

Sincerely,
(Signed) ROBERT KERREY
Governor

VISITORS

Visitors to the Chamber were Leta King, Mary Grier, Edgar Chard, Phylis Blanke, and Lynn Grier from Chadron; 36 third grade students and teachers from Beattie School, Lincoln; Mary Itzen, Fern Shamburg, Irene Smalldon, and Elsie Wood from Fairbury; and 30 students and teachers from Conestoga School, Murray-Nehawka.

RECESS

At 12:03 p.m., on a motion by Mr. Von Minden, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m, Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Goll, Haberman, Pappas, Mesdames Higgins, and Labedz who were excused; and Messrs. Abboud, Barrett, Beyer, Chambers, Clark, Fowler, V. Johnson, Lamb, Landis, Schmit, Sieck, Von Minden, Miss Kilgarin, Mesdames Marsh, and Pirsch who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. Kahle asked unanimous consent to print the following amendment to LB 198 in the Journal. No objections. So ordered.

1. 1 On page 17, line 20, strike "or assessment" and insert "of fifty cents per year, per acre benefitted,"; and on line 21, strike

beginning with "any" through line 27.
2. 1 On page 18, strike line 1.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 477A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 477, Eighty-eighth Legislature, First Session, 1983; and to declare an emergency.

LEGISLATIVE BILL 478A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 478, Eighty-eighth Legislature, First Session, 1983; and to declare an emergency.

UNANIMOUS CONSENT - Member Excused

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 225. Mr. Newell offered the following amendment:

1. Strike lines 14 through 16 of page 2, and insert "one year period shall mean twelve months commencing on February 1, 1986, and each succeeding twelve month period."

2. On page 2, line 19, strike "sixteen" and insert "ten" and on line 20, strike "two" and insert "one".

The amendment lost with 4 ayes, 12 nays, 11 present and not voting, and 21 excused and not voting.

Mr. Hannibal moved to indefinitely postpone LB 225.

Laid over.

LEGISLATIVE BILL 415. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 353. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 511. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 587. Mr. Newell moved to indefinitely postpone.

Mr. Newell asked unanimous consent to withdraw his motion to

indefinitely postpone. No objections. So ordered.

Mr. Newell requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 1 nay, 9 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 397. E & R amendment, AM5081, found in the Journal on page 1236 for the Fifty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 304. Title read. Considered.

Standing Committee amendment, AM0390, found in the Journal on page 615 for the Thirty-First Day was considered.

Mr. Newell renewed his pending amendment, AM0960, to the Standing Committee amendment found in the Journal on page 1242.

The Newell amendment was adopted with 14 ayes, 0 nays, 24 present and not voting, and 10 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 3 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Vickers offered the following amendment:
To strike section 3 from LB 304

The amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 3 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 539. Title read. Considered.

Standing Committee amendments, AM0806, found in the Journal on page 1093 for the Fiftieth Day were considered.

Mr. Carsten renewed the Haberman pending amendment, AM0928, to the Standing Committee amendments.

The Haberman amendment was adopted with 16 ayes, 0 nays, 26

present and not voting, and 6 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 565. Title read. Considered.

Mr. Lundy asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Hoagland moved to indefinitely postpone LB 565.

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hoagland asked unanimous consent to withdraw his motion to indefinitely postpone LB 565. No objections. So ordered.

Mr. Cullan offered the following amendment:

Except that the legislature shall make public the long distance telephone records of senators, deleting all telephone numbers, but listing the cost of phone calls, the telephone exchange called, and the date of the calls,

PRESIDENT MCGINLEY PRESIDING

Mr. Chambers offered the following amendment to the Cullan amendment:

To delete "the telephone exchange called"

The Chambers amendment was adopted with 20 ayes, 2 nays, 19 present and not voting, and 7 excused and not voting.

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

The Cullan amendment, as amended, lost with 15 ayes, 14 nays, 11 present and not voting, and 8 excused and not voting.

Pending.

ANNOUNCEMENT

Mr. Schmit announced that the Public Works Committee will meet in

Executive Session on Thursday, March 31, 1983 at 8:45 a.m. in the north balcony.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 122A. By DeCamp, 40th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 122, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 343A. By DeCamp, 40th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 343, Eighty-eighth Legislature, First Session, 1983.

GENERAL FILE

LEGISLATIVE BILL 565. Mr. Hoagland offered the following amendment:

To delete "records of telephone calls" from lines 19 & 20, page 3, LB 565

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 21 not voting.

The Hoagland amendment lost with 6 ayes, 21 nays, 13 present and not voting, and 8 excused and not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 21 not voting.

Mr. Hoagland requested a record vote on the advancement of the bill.

Voting in the affirmative, 32:

Barrett	Beyer	Carsten	Chambers	Chronister
DeCamp	Eret	Fenger	Goodrich	Hannibal
Hefner	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Lamb	Landis	Marsh
Morehead	Newell	Nichol	Peterson, H.	Peterson, R.
Pirsch	Remmers	Sieck	Vickers	Von Minden
Wagner	Wiitala			

Voting in the negative, 6:

Beutler	Cullan	Hoagland	Rupp	Warner
Wesely				

Present and not voting, 2:

Abboud Schmit

Excused and not voting, 8:

Clark	Fowler	Goll	Haberman	Higgins
Labedz	Lundy	Pappas		

Advanced to E & R for Review with 32 ayes, 6 nays, 2 present and not voting, and 8 excused and not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 626 and 627.

LB	Committee
626	Banking, Commerce and Insurance
627	Agriculture and Environment

(Signed) Vard Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following amendment to LB 302A in the Journal. No objections. So ordered.

1. Strike original Section 1.
2. Renumber original Section 2 as Section 1.

GENERAL FILE

LEGISLATIVE BILL 620. Title read. Considered.

Standing Committee amendment, AM0868, found in the Journal on page 1094 for the Fiftieth Day was adopted with 25 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

VISITORS

Visitors to the Chamber were former Senator Arnold Ruhnke; Senator Pirsch's daughter, Pam, and Nancy Guziec; and 35 fourth grade students, teachers, and sponsors from West Point.

ADJOURNMENT

At 4:27 p.m., on a motion by Speaker Nichol, the Legislature adjourned until 9:00 a.m., Thursday, March 31, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SIXTH DAY - MARCH 31, 1983

LEGISLATIVE JOURNAL

FIFTY-SIXTH DAY - MARCH 31, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 31, 1983

Pursuant to adjournment, the Legislature met at 9:04 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Richard Dinsdale, retired Pastor of the United Methodist Church, Falls City, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Goll, Haberman, Pappas, and Mrs. Pirsch who were excused; and Messrs. Chambers, Cullan, Fowler, Hefner, Hoagland, V. Johnson, Landis, Newell, Rupp, Warner, Wesely, Wiitala, Miss Kilgarin, and Mrs. Higgins who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1253, line 7, strike "37" and insert "17".
The Journal for the Fifty-Fifth Day was approved as corrected.

MESSAGE FROM THE SECRETARY OF STATE

March 30, 1983

Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. O'Donnell:

I hand you herewith the official appointment and oath of Ronald E. Withem as a Member of the Legislature from the Fourteenth (14th) Legislative District for the unexpired term of Thomas D. Doyle, resigned.

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

Enclosures:
Letter of Resignation
Oath of Office of Ronald Withem
Appointment to Legislature

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that RONALD E. WITHEM has been appointed a Member of the Nebraska State Unicameral Legislature from the Fourteenth (14th) Legislative District for the unexpired term of Thomas D. Doyle, resigned, for the term beginning March 30, 1983, for such time as he shall satisfactorily perform all the duties imposed upon such officer by law.

I further certify the foregoing appointment was made by Governor Robert Kerrey 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 thirtieth day of March in the year of our Lord, one thousand nine hundred and eighty-three.

(SEAL) Allen J. Beermann, Secretary of State

GUBERNATORIAL APPOINTMENT

KNOW ALL MEN BY THESE PRESENTS:

That I, Robert Kerrey, Governor of the State of Nebraska, do hereby appoint Ron Withem of Papillion as a member of the Nebraska State Legislature, District 14. This appointment shall take effect on March 30, 1983 and continue until as prescribed by law. Said appointee succeeds Thomas Doyle.
Done at Lincoln, Nebraska, this 30th day of March, 1983.

(Signed) ROBERT KERREY
Governor

OFFICIAL OATH

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

"I Ronald E. Withem, 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. 14 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 appropriations)."*

(Signed) Ronald E. Withem

Subscribed in my presence and sworn to before me this 30th day of March, 1983.

(Signed) ALLEN J. BEERMANN
Notary Public

(SEAL)
*Constitution of the State of Nebraska
Article XV, Section One.
Replaces Thomas D. Doyle, resigned.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 60
March 29, 1983

Dear Senator Wiitala:

You have asked what authority currently exists for a parent to commit a child to a mental hospital. The Nebraska Mental Health Commitment Act, Neb.Rev.Stat. §§83-1001 et seq. (Reissue 1981), provides procedures for the voluntary and involuntary commitment of individuals.

Under this Act, a parent could initiate commitment proceedings by

communicating a belief to the county attorney that his or her child is a mentally ill dangerous person. If the county attorney concurs in such a belief, he could institute proceedings to commit the child through the filing of a formal petition. This would result in a hearing before the local mental health board. Under such a procedure, the child would be treated as any other subject of a mental health proceeding including entitlement to those rights enumerated in Neb.Rev.Stat. §§83-1048 to 83-1064 (Reissue 1981). These rights would include the right to a hearing, the right to be advised of the reasons alleged for believing he is a mentally ill dangerous person, the right to counsel or to have counsel appointed if the subject is an indigent, the right to an independent evaluation, the right to present witnesses and testimony, including his own testimony, and the right to confront and cross examine adverse witnesses and evidence. A subject may voluntarily waive these rights if the waiver is made "personally, intelligently, knowingly, understandingly and voluntarily by the subject, and such subject's parent or legal guardian if he or she is a minor or legally incompetent." Neb.Rev.Stat. §83-1064 (Reissue 1981) (Emphasis added).

You have also asked specifically if section 83-1019 allows parents to commit children to mental hospitals. Neb.Rev.Stat. §83-1019 (Reissue 1981), states that "Any individual may apply for his own voluntary admission to any public or private hospital. . . ." Thus a parent's application on behalf of a child would not qualify as a voluntary admission of the subject under this statute.

We have attempted to briefly condense the Nebraska laws on mental health commitment of minors. If we have not adequately addressed your concerns, please let us know.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Linda L. Willard
Assistant Attorney General

LLW:ekj
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 61
March 30, 1983

Dear Senator L. Johnson;

You have asked for comments on a Grand Jury report and recommendations for remedial legislation. Both requests dealing with Neb.Rev.Stat. §23-146 (Reissue 1977).

With respect to your first question, we have reviewed Neb.Rev.Stat. §23-146 and, frankly, are unable to say that it is so ambiguous or difficult to interpret as to be useless. In fact, the section

has been before the Nebraska Supreme Court on three separate occasions—Woods v. Brown County, 125 Neb. 256, 249 N.W. 601 (1933); Pethoud v. Gage County, 83 Neb. 497, 120 N.W. 254 (1909); Wilson v. Otoe County, 71 Neb. 435, 98 N.W. 1050 (1904). Additionally, the statute and its predecessors have been in effect since 1879 with very few amendments. Furthermore, this office has issued at least 20 opinions discussing the perimeters and effect of this statute including Opinion No. 184, Report of the Attorney General 1981-1982, to Senator Kahle in the last legislative session. In that opinion we stated:

> We are appreciative of the fact that you may wish to clarify what is meant by pecuniary interest and attempt to define those relationships which would result in an impermissible pecuniary interest, however we believe that it would be extremely difficult to itemize in statutory language a list of such factors, relationships or circumstances. While it appears extremely difficult to generalize in this area, it is usually possible when examining a particular set of facts to render a legal judgment as to whether or not such an arrangement would be impermissible under the statute. Therefore it may be that county officials would benefit from presenting such potential factual circumstances to their county attorney in advance of taking any action in an attempt to obtain from him his best judgment as to the acceptability of those particular facts.

Thus, we believe it is accurate to say that this statute is susceptible of interpretation and, indeed, has been interpreted over time without great difficulty.

With respect to your second question, we would at this time not have any comments or suggestions for remedial legislative action. Should you wish to develop such language or to work with a view toward amending the statute, we will be happy to work with you in this regard at that time.

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

PTO:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 62
March 30, 1983

Dear Senator V. Johnson:

You have asked for our opinion on the constitutionality of Neb.Rev.Stat. §§77-913 and 77-914 (Reissue 1981). As you point out in your letter, there is currently no legislative action pending in these

matters. Your request also calls for an opinion relating to the constitutionality of existing legislation.

Ordinarily in such circumstances we would decline to respond to your request for an opinion. We believe, however, you advanced a valid reason as to why we should respond to your request. That is, that these particular sections are matters pertinent to the Revenue Committee's consideration of LB 586, and secondly, it is possible to introduce corrective legislation this session prior to the distribution set for this fiscal year, June 1. For these reasons we believe an answer in this case is appropriate.

Neb.Rev.Stat. §77-913 (Reissue 1981) establishes the insurance tax fund and allocates 50 percent of the total collected to the counties based upon their proportionate share of the total population of the state.

Neb.Rev.Stat. §77-914 (Reissue 1981) directs the counties to allocate the funds they receive pursuant to §77-913 to school districts and cities and villages. In the first instance, the distribution to school districts is to be made on a per pupil basis in the relationship each school district bears an average daily attendance to the entire county. The portion allocable to cities and villages is based on the population of each such city and village as its proportionate share of the entire county's population.

As we said in our Opinion No. 41, Report of the Attorney General 1983-84, March 3, 1983, the Legislature may grant aid to governmental subdivisions where the formula granting such aid treats similar subdivisions in a similar manner. In Opinion No. 41 we expressed reservations as the constitutionality of a distributional formula which would result in cities having similar populations located in counties have differing populations receiving vastly different amounts from a state distributional formula. We believe that the same questions arise in the context of the distributional formulas as they relate to cities and villages and school districts under §77-913.

The distributional amounts given to the counties are obviously appropriate in that they are based on proportionate population calculations. However, cities or school districts of similar sizes located in different counties, having different populations, would receive different amounts under this formula. The constitutionality of that sort of differentiation is doubtful in light of Opinion 41 and the cases cited therein.

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

PTO:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature
2018 State Capitol

Lincoln, Nebraska 68509

MESSAGES FROM THE GOVERNOR

March 30, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 277, 438, 497, 241, 365 and 414 were received in my office on March 24, 1983.

These bills were signed by me on March 30, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK:jm

March 30, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 188, 223, 240, 281, 282, 282A, 299 and 378 were received in my office on March 28, 1983.

These bills were signed by me on March 30, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK:jm

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 573 in the Journal. No objections. So ordered.

AM0981

1. On page 1, line 6, after "54-1331" insert ", 54-1332, and 54-1334"; and in line 7 after "1943" insert ", and section 54-1333, Revised Statutes Supplement, 1982".

2. On page 5, line 27; and on page 6, line 2, strike "Revolving" and insert "Cash".

3. On page 13, line 22, after "54-1331" insert ", 54-1332, and 54-1334"; and in line 23 after "1943," insert "and section 54-1333, Revised Statutes Supplement, 1982,".

Mr. Haberman asked unanimous consent to print the following amendment to LB 579 in the Journal. No objections. So ordered.

AM0982

(Amendments to Final Reading copy)

1. On page 1, line 3, strike "and"; and in line 4 after "expenses" insert "; and to declare an emergency".

2. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

UNANIMOUS CONSENT - Member Excused

Mrs. Marsh asked unanimous consent to be excused April 5 - 7, 1983. No objections. So ordered.

MOTION - Return LB 209 to Select File

Mr. Goodrich moved to return LB 209 to Select File for his specific amendment found in the Journal on page 1213.

The motion to return prevailed with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 209. The Goodrich specific amendment found in the Journal on page 1213 was adopted with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 209 to Select File

Mr. Beutler moved to return LB 209 to Select File for the following specific amendment:

By adding the word "reassign" after the word "suspend" in line 21, page 4

The motion to return prevailed with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 209. The Beutler specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Withdraw Amendment to LB 194

Mr. Hefner asked unanimous consent to withdraw his pending amendment found in the Journal on page 557 to LB 194. No objections. So ordered.

MOTION - Return LB 194 to Select File

Mr. Carsten moved to return LB 194 to Select File for his specific amendment found in the Journal on page 757.

The motion to return prevailed with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 194. The Carsten specific amendment found in the Journal on page 757 was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Withdraw Amendments to LB 454

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM0873, found in the Journal on page 1094 to LB 454. No objections. So ordered.

Mr. Wesely asked unanimous consent to withdraw his pending amendment, AM0902, found in the Journal on page 1186 to LB 454.

No objections. So ordered.

MOTION - Return LB 454 to Select File

Mr. DeCamp moved to return LB 454 to Select File for the following specific amendment:
AM0986

(Amendments to Final Reading Copy)

1. On page 2, line 11, after "bank" insert "or bank acquired pursuant to sections 2 and 3 of this act"; and in line 17, strike "minimum".

2. Strike original sections 2 and 6 and insert a new section as follows:

"Sec. 4. The provisions of sections 2 and 3 of this act shall not be construed to amend or repeal section 8-903, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 58, Eighty-eighth Legislature, First Session, 1983.".

3. On page 3, line 8, strike "Subject" and insert "Notwithstanding any other provisions of law and subject".

4. On page 4, line 23, strike "3" and insert "2".

5. On page 5, line 2, strike "3" and insert "2"; and after line 27 insert a new subsection as follows:

"(4) Whenever the director determines, after notice and hearing, that any out-of-state bank holding company is not in compliance with the laws of this state or the conditions of approval, the director shall order such bank holding company to divest itself of all stock of the bank acquired pursuant to sections 2 and 3 of this act, and such bank holding company shall be liable for a penalty of ten thousand dollars per day from the date such divestiture is ordered until it is completed.".

6. On page 6, strike beginning with "section" in line 1 through "and" in line 2; and in line 3 strike "are" and insert "is".

7. Renumber remaining sections accordingly.

The motion to return prevailed with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 454. The DeCamp specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays, 14 present and not

voting, and 9 excused and not voting.

Advanced to E & R for Re-Engrossment.

STANDING COMMITTEE REPORT
Public Works

The Public Works Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

John M. Crowley, Hastings - Power Review Board
Don Hyde, Norfolk - Power Review Board
Dale Thomas, Lincoln - Power Review Board

Richard C. Hahn, Grand Island - Natural Resources Commission
Robert William Bell, Omaha - Natural Resources Commission
Michael J. Shaughnessy, St. Paul - Natural Resources Commission

Vote: Aye: Schmit, Beyer, Clark, DeCamp, and Lamb. Absent and Not Voting: Senators Hoagland and Wesely.

(Signed) Loran Schmit, Chairperson

MOTION - Suspend Rules

Messrs. DeCamp and Pappas moved to suspend the rules, Rule 5, Section 4(c) to permit the introduction of a new bill, Req. 991.

Mrs. Higgins and Mr. Remmers asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schmit asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Sieck 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. DeCamp moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. DeCamp requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 27 :

Beyer	Carsten	Chronister	DeCamp	Eret

Fowler	Goodrich	Hannibal	Hefner	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Labedz
Lamb	Landis	Marsh	Newell	Nichol
Rupp	Sieck	Vickers	Von Minden	Wagner
Wiitala	Withem			

Voting in the negative, 12:

Abboud	Barrett	Beutler	Chambers	Clark
Fenger	Lundy	Morehead	Peterson, H.	Peterson, R.
Warner	Wesely			

Excused and not voting, 10:

Cullan	Goll	Haberman	Higgins	Hoagland
Kilgarin	Pappas	Pirsch	Remmers	Schmit

The motion to suspend the rules lost with 27 ayes, 12 nays, and 10 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Member Excused

Mr. R. Johnson asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 348. Mr. DeCamp asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 237. Title read. Considered.

Standing Committee amendments, AM0816, found in the Journal on page 1118 for the Fifty-First Day were adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

Messrs. Chronister and Eret asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 624. Title read. Considered.

Standing Committee amendments, AM0888, found in the Journal on page 1121 for the Fifty-First Day were adopted with 25 ayes, 0 nays, 13

present and not voting, and 11 excused and not voting.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vickers offered the following amendment:

Page 3, line 5, following the period insert: Each local school board shall conduct a public hearing on the itemized estimate, prior to presenting such estimate to the county clerk. Notice of the place and time of such hearing shall be published at least five days prior to the date set for hearing, in a newspaper of general circulation within the school district or by direct mailing of the notice to each resident within the community.

The amendment 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 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 396. Title read. Considered.

Mr. Carsten renewed his pending amendment found in the Journal on page 802.

The amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Mr. Beutler 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 25 ayes, 7 nays, 9 present and not voting, and 8 excused and not voting.

MOTION - Suspend Rules

Mr. Chronister moved to reconsider the DeCamp motion to suspend the rules to introduce a new bill, Req. 991.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Remmers asked unanimous consent to print the following amendment to LB 343 in the Journal. No objections. So ordered.

AM0972

(Amendments to Standing Committee Amendments, AM0665)

1. On page 6, line 15, after "upon" insert "a breach of"; and in line 19 strike "transaction" and insert "breach".

2. On page 7, strike lines 16 through 26.

3. On page 8, strike lines 1 through 26.

4. On page 9, strike lines 1 through 11 and insert:

"(4) A buyer who purchases farm products or a person who sells farm products for another for a fee or commission shall pay the seller the total purchase price by means of a check payable to such seller and a security interest holder who shall be specified by such seller, and if the security interest holder authorizes the cashing of such check, such buyer or person shall be free of any security interest up to the amount of the check. Any such buyer or person who does not include the name of a security interest holder on such check shall take such farm products subject to any valid security interest which may exist in such farm products."; and in line 12 strike "(8)" and insert "(5)" and strike "(7)" and insert "(4)".

Mr. Hannibal asked unanimous consent to print the following amendment to LB 129 in the Journal. No objections. So ordered.

AM0849

1. In the Hannibal amendment adopted 3-3, line 5, after the underscored period insert "If such election procedure is not so approved by the voters, such counties shall nominate and elect their county commissioners according to the procedure used in the previous election of such commissioners. If such procedure to nominate and elect county commissioners by district is not approved at the first general election after the effective date of this act, the issue may thereafter be submitted at any general election as provided in section 5-108.".

2. On page 4, line 12, strike "by district" and show as stricken.

The Appropriations Committee asked unanimous consent to print the following amendment to LB 602 in the Journal. No objections. So ordered.

PURPOSE: To increase deficit appropriation to Agency 30, Electrical Board to fund 1) accrued vacation leave of employee resigning effective June 15, 1983 and 2) replacement of employee who resigned.

AMENDMENT:
On page 6, line 25, strike "275,637" and insert "279,482 and in line 24 strike 176,846, show as stricken, and insert 180,246".

The Appropriations Committee asked unanimous consent to print the following amendment to LB 617 in the Journal. No objections. So ordered.

AM0985
1. Strike original section 24.
2. On page 35, line 7, strike "81-2,177.01,".
3. In the Standing Committee Amendments on page 8, strike beginning with the semicolon in line 4 through "4" in line 6.
4. Renumber the remaining sections accordingly.

The Appropriations Committee asked unanimous consent to print the following amendment to LB 617 in the Journal. No objections. So ordered.

AM0983
1. On page 10, line 2, before "The" insert "(1)"; and in line 8 strike "The", show as stricken, and insert "Except as provided in subsection (2) of this section, the".
2. On page 11, after line 9, insert:
"(2) The Department of Health shall, upon request, conduct a search of death certificates for stated individuals for the Nebraska Medical Association or any of its allied medical societies or any in-hospital staff committee pursuant to sections 71-3401 to 71-3403. If such death certificate is found, the department shall provide a noncertified copy. The department shall charge a fee for each search or copy sufficient to cover its actual direct costs, except that such fee shall not exceed two dollars per individual search or copy requested.".

The Appropriations Committee asked unanimous consent to print the following amendment to LB 628 in the Journal. No objections. So ordered.

PURPOSE: To retain the same distribution of state aid to education in 1983-84 as was used in 1982-83.
AMENDMENT:
On page 13, in lines 2, 3, 7 and 9, strike "133,716,100" and insert "93,100,000".

On page 13, after line 12, insert the following new language: "There is also included in the amount shown $40,616,100 General Funds for state aid to education which is hereby appropriated to the School Foundation and Equalization Fund, which fund is hereby appropriated, to be distributed pursuant to section 79-1334 for the period July 1, 1983 to June 30, 1984."

The Appropriations Committee asked unanimous consent to print the following amendment to LB 629 in the Journal. No objections. So ordered.

PURPOSE: To retain the same distribution of state aid to education in 1983-84 as was used in 1982-83.
AMENDMENT:
On page 3, in lines 10, 12, 16 and 17, strike "6,096,900" and insert "1,900,000".
On page 3, after line 20, insert the following new language: "There is also included in the amount shown $4,196,900 General Funds for state aid to education which is hereby appropriated to the School Foundation and Equalization Fund, which fund is hereby appropriated, to be distributed pursuant to section 79-1334 for the period July 1, 1983 to June 30, 1984."

GENERAL FILE

LEGISLATIVE BILL 371. Title read. Considered.

Standing Committee amendments, AM0524, found in the Journal on page 717 for the Thirty-Sixth Day were considered.

Mrs. Labedz renewed the pending amendment, AM0876, found in the Journal on page 1153 to the Standing Committee amendment.

The Chair declared the Standing Committee amendments be divided, so that §15 of req. 0876 be to the Standing Committee amendment.

The amendment to the Standing Committee amendments is as follows:
15. In the Standing Committee Amendments on page 717 of the Journal, (a) on page 1, strike lines 1 through 19; (b) on page 2, strike beginning with the second "13" in line 11 through "(2)" in line 12 and insert "7"; and strike lines 13 through 22; and (c) renumber the remaining amendments accordingly.

Messrs. Warner and DeCamp asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler requested a division of the amendment to the Standing

Committee amendment.

The Chair sustained the division of the question.

The first amendment to the Standing Committee amendment is as follows:

(1)

Strike lines 1 and 2 of page 1 of the committee amendments, as shown on page 717 of the Journal.

The second amendment to the Standing Committee amendment is as follows:

(2)

To strike lines 3 through 12 on pg 1 of the Committee amendment found on pg 717 of Journal.

The third amendment to the Standing Committee amendment is as follows:

(3)

Strike lines 13 to 19 on pg 1 of the Committee amendment found on pg 717 of the Journal.

The fourth amendment to the Standing Committee amendment is as follows:

(4)

To strike in the committee amendments on pg 717 of the Journal, the following:

(b) On page 2, strike beginning with the second "13" in line 11 through "2" in line 12 and insert "7"; and strike lines 13 through 22; and (c) renumber the remaining amendments accordingly.

Mr. Clark asked unanimous consent to be excused. No objections. So ordered.

Mrs. Labedz moved to pass over LB 371 until Tuesday, April 5, 1983.

Mr. Beutler moved to adjourn until 10:00 a.m. on Tuesday, April 5, 1983.

The motion to adjourn lost with 10 ayes, 15 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Wiitala 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 Labedz motion to pass over LB 371 until Tuesday lost with 19 ayes, 5 nays, 15 present and not voting, and 10 excused and not voting.

Messrs. Carsten and Hefner asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Labedz moved to pass over LB 371.

The Labedz motion prevailed with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems

Governor's Appointments, Thursday, April 7, 1983 1:15 p.m.
Phil Kaldahl, Alcurtis Robinson, Jean Jeffrey, T. J. Lynch, Harold Salter, Everett Green - Public Employees Retirement System.

(Signed) Steve Fowler, Chairperson

ANNOUNCEMENTS

Mr. Fowler announced the Nebraska Retirement Systems Committee will hold an Executive Session on Tuesday, April 5, 1983, at 9:45 a.m., under the north balcony.

Speaker Nichol announced that LB 336, LB 356, and LB 395 will be debated as Special Order bills on Thursday afternoon, April 7, 1983, at 1:30 p.m.

UNANIMOUS CONSENT - Print in Journal

Messrs. V. Johnson and Schmit asked unanimous consent to print the following amendment to LB 142 in the Journal. No objections. So ordered.

AM0975

1. On page 2, strike lines 6 through 19 and insert "invasive procedures:

(1) The evaluation and analysis of the living human body for the purpose of detecting ailments, disorders, and disease by the use of diagnostic X-ray of the spine and articulations of the spine, physical and clinical examination, and routine procedures involving urine analysis;

(2) The science and art of treating human ailments, disorders, and disease by locating and removing any interference with the transmission and expression of nerve energy in or through the spine or articulations of the spine by chiropractic adjustment and the use of exercise, nutrition, dietary guidance,

15 and colonic irrigation; or(3) The".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 142 in the Journal. No objections. So ordered.

For the purposes of this act, the practice of chiropractic is defined as being one, or a combination of the following, without the use of drugs or invasive procedures: (1) the evaluation and analysis of the living human body for the purpose of detecting ailments, disorders, and disease by the use of diagnostic ex-ray of the skeletal system and articulations thereof, physical and clinical examination, and routine procedures involving urine analysis; (2) the science and art of treating human ailments, disorders and disease by locating and removing any interference with the transmission and expression of nerve energy in the human body by chiropractic adjustment, chiropractic physiotherapy, and the use of exercise, nutrition, dietary guidance, colonic irrigation or physical therapy.

MR. V. JOHNSON PRESIDING

UNANIMOUS CONSENT - Member Excused

Speaker Nichol asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 180. Title read. Considered.

Standing Committee amendments, AM0885, found in the Journal on page 1158 for the Fifty-Second Day were adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Mr. H. Peterson asked unanimous consent to withdraw his pending amendment, AM0026, found in the Journal on page 325. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 272. Title read. Considered.

Standing Committee amendments, AM0362, found in the Journal on page 580 for the Twenty-Ninth 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 158. Mr. Wiitala asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 121. Title read. Considered.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Advanced to E & R for Review with 25 ayes, 5 nays, 8 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 121A. Title read. Considered.

Mr. Cullan requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Abboud	Beutler	Beyer	Chronister	Cullan
DeCamp	Eret	Fowler	Goodrich	Higgins
Jacobson	Johnson, V.	Kahle	Kilgarin	Labedz
Landis	Marsh	Morehead	Newell	Remmers
Rupp	Sieck	Vickers	Wesely	Wiitala
Withem				

Voting in the negative, 5:

Hefner	Johnson, L.	Peterson, H.	Peterson, R.	Von Minden

Present and not voting, 7:

Barrett	Carsten	Fenger	Hannibal	Lamb
Lundy	Wagner			

Excused and not voting, 11:

Chambers	Clark	Goll	Haberman	Hoagland
Johnson, R.	Nichol	Pappas	Pirsch	Schmit
Warner				

Advanced to E & R for Review with 26 ayes, 5 nays, 7 present and not voting, and 11 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Messrs. DeCamp and Carsten asked unanimous consent to print the following amendment to LB 619 in the Journal. No objections. So ordered.

AM0980

1. Strike the Standing Committee Amendments, AM0832.

2. Strike original section 2.

3. On page 3, line 3, after "its" insert "(a)"; strike the new matter in lines 3 and 4; and in line 7 after "77-2741" insert "and (b) interest on obligations of the State of Nebraska or its political subdivisions".

4. Renumber the remaining sections accordingly.

Mr. Vickers asked unanimous consent to print the following amendment to LB 585 in the Journal. No objections. So ordered.

In the standing committee amendments, strike number 3., on lines 8 and 9.

Mr. Vickers asked unanimous consent to print the following amendment to LB 585 in the Journal. No objections. So ordered.

1. Page 3, strike beginning with "who" in line 17 through "and" in line 19.

2. Page 4, line 25, after "Nebraska" insert "and the financial need of the applicant as prescribed in section 85-990".

3. Page 5, line 18, strike "and" and insert "or"; line 19, strike "an approved" and insert "a".

MOTION - Adjourn

Mr. Wiitala moved to adjourn.

Mr. Cullan requested a record vote on the motion to adjourn.

Voting in the affirmative, 30:

Abboud	Barrett	Beutler	Beyer	Cullan
DeCamp	Fenger	Fowler	Goodrich	Hefner
Higgins	Jacobson	Johnson, L.	Johnson, V.	Kahle
Kilgarin	Labedz	Landis	Lundy	Marsh
Morehead	Peterson, H.	Peterson, R.	Remmers	Rupp
Sieck	Wagner	Wesely	Wiitala	Withem

Voting in the negative, 6:

Carsten	Hannibal	Lamb	Newell	Vickers
Von Minden				

Present and not voting, 2:

Chronister Eret

Excused and not voting, 11:

Chambers	Clark	Goll	Haberman	Hoagland
Johnson, R.	Nichol	Pappas	Pirsch	Schmit
Warner				

The motion prevailed with 30 ayes, 6 ayes, 2 present and not voting, and 11 excused and not voting.

VISITORS

Visitors to the Chamber were Sheryl Marra from Wayne; Karin Lochner; Senator Marsh's son, Mitchell; Steve Pavka from Chula Vista, California; Mr. and Mrs. Blauvelt from Thedford; and 31 seniors and teacher from Palmyra District O. R. 1.

ADJOURNMENT

At 1:15 p.m., on a motion by Mr. Wiitala, the Legislature adjourned until 10:00 a.m., Tuesday, April 5, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SEVENTH DAY - APRIL 5, 1983

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 5, 1983

Pursuant to adjournment, the Legislature met at 10:04 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Father Ignatius Lempart, Chaplain of Saint Elizabeth Hospital, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Hoagland and Mrs. Marsh who were excused; and Messrs. Beutler, Goodrich, V. Johnson, Wiitala, Miss Kilgarin, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Sixth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 35, 35A, 43, 269, 308, 362, 393, 302A, 573A, and 579A.

Enrollment and Review

LEGISLATIVE BILL 536. Placed on Select File as amended.
E & R amendment to LB 536:
AM5089
1. On page 1, line 3, srike "a term" and
insert "terms".

LEGISLATIVE BILL 94. Placed on Select File as amended.
E & R amendment to LB 94:
AM5091

1. On page 1, line 4, strike "exemption" and insert "deferral".

LEGISLATIVE BILL 173. Placed on Select File.

LEGISLATIVE BILL 476. Placed on Select File as amended.
E & R amendments to LB 476:
AM5088

1. On page 1, strike beginning with the semicolon in line 4 through "inactive" in line 6 and insert "and licensing of"; in line 9 strike "a term;" and insert "and redefine terms; to create a committee;"; in line 10 after the semicolon insert "to change provisions relating to permits to conduct pharmacies;"; in line 11 after the semicolon insert "to change provisions relating to drug production selection;"; in line 15, after "71-140," insert "71-1,142, 71-1,143," and after "71-1,147," insert "71-1,147.01, 71-1,147.03," and after "71-1,147.08," insert "71-1,147.09,".

2. On page 2, line 1, strike "71-5402, and 81-197" and insert "71-5401 to 71-5404, and 71-5407"; and in line 2 after "1943" insert ", and section 81-197, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 413, Eighty-eighth Legislature, First Session, 1983"; and strike beginning with the first comma in line 3 through "1943" in line 4.

3. For purposes of correlation with section 1 of LB 413, in the Standing Committee amendments, page 42, line 23 after "1943," insert "as amended by section 1, Legislative Bill 413, Eighty-eighth Legislature, First Session, 1983,"; and in line 26 strike "1982" and insert "1984".

4. In the Standing Committee amendments, page 43 line 14 after "71-5404," insert "and"; in line 15 strike "and 81-197," and after "1943," insert "and section 81-197, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 413, Eighty-eighth Legislature, First Session, 1983,".

5. In the Standing Committee amendments, page 28, line 17, strike the comma and show as stricken; and on page 41, line 13, after "patient" insert an underscored comma.

LEGISLATIVE BILL 538. Placed on Select File.

LEGISLATIVE BILL 273. Placed on Select File as amended.
E & R amendment to LB 273:
AM5092
1. On page 1, line 2, strike "training"; in line 4 strike "a penalty" and insert "for license revocation or denial".

LEGISLATIVE BILL 273A. Placed on Select File.
LEGISLATIVE BILL 207. Placed on Select File.

LEGISLATIVE BILL 214. Placed on Select File as amended.
E & R amendment to LB 214:
AM5090
1. On page 1, line 1, strike "sections 49-1488 and" and insert "section"; and strike beginning with the first "to" in line 8 through the semicolon in line 9.

LEGISLATIVE BILL 108. Placed on Select File as amended.
E & R amendments to LB 108:
AM5094
1. On page 1, line 4, strike "library".
2. On page 3, line 20, strike "publicly-funded" and insert "publicly funded".

LEGISLATIVE BILL 463. Placed on Select File as amended.
E & R amendments to LB 463:
AM5095
1. On page 1, line 3, strike "register of deeds and county clerks" and insert "fees"; in line 4 after "fees" insert "for recording or indexing certain instruments".
2. On page 2, line 5, before "release" insert "or"; in line 8 after "estate," insert "recording" and after "or" insert "recording".

LEGISLATIVE BILL 369. Placed on Select File as amended.
E & R amendments to LB 369:
AM5093
1. On page 1, line 8, after the semicolon insert "to harmonize provisions;".
2. On page 3, line 3, after "his" insert "or her".
3. In the Standing Committee Amendments, on

page 1, line 8, strike "the".

LEGISLATIVE BILL 602. Placed on Select File as amended.
E & R amendment to LB 602:
AM5097

1. On page 1, line 4, strike "and" and after "36," insert "and 62,"; in line 6, after "sections" insert "1,"; after "7," insert "10,", and after "35," insert "36,"; and in line 7, strike "and" and after "59" insert ", and 72".

(Signed) Rod Johnson, Chairperson

MESSAGES FROM THE GOVERNOR

April 1, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 179 was received in my office on March 28, 1983.

This bill was signed by me on April 1, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

April 4, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 119, 137, 230, 374, 391 and 594 were received in my office on March 29, 1983.

These bills were signed by me on April 4, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

March 28, 1983

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Board of Parole, requiring legislative confirmation:

Appointee: Ronald Bartee, Part-Time representative, 5616 Willit Street, Omaha, NE 68152, 554-3808, Succeeds: Linda Jaeckel, Lincoln, Recalled.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Board of Parole
Accountability and Disclosure Commission
Ronald Bartee
Department of Administrative Services
Staff Assistant to the Governor
for Executive Appointments (2 copies)
Nebraska Blue Book

ATTORNEY GENERAL'S OPINIONS

Opinion No. 64
March 30, 1983

Dear Senator Cullan:

This is in reply to your inquiry concerning LB 505 in which you

inquire whether or not it violates Article III, Section 18, of the Nebraska Constitution. You specifically ask if the authorization to grant mandatory tax check-off funds for the purposes set forth in the bill is the granting of a special privilege in derogation of a common right within the meaning of the above constitutional provision.

Specifically, LB 505 authorizes the Nebraska Wheat Development, Utilization and Marketing Board to grant from their fund to individuals, firms, companies and other persons for the encouragement and construction of alcohol plants.

Other sections make similar provisions for the boards relating to soybeans, corn, and grain sorghum.

The bill is not limited to any specific individuals or companies or classes of individuals or companies but purports to be general and uniform throughout the class engaged in the construction of alcohol plants.

In the case of Bauer v. Game, Forestation & Parks Commission, 138 Neb. 436, 293 N.W. 282 (1940), the Supreme Court of Nebraska was called upon to determine whether a legislative bill setting aside a certain area as a game refuge was a local or special law in violation of the above constitutional provision. In interpreting that provision the court stated:

> A law is not local or special in a constitutional sense that operates in the same manner upon all persons in like circumstances. "General laws are those which relate to or bind all within the jurisdiction of the law-making power, and if a law is general and operates uniformly and equally upon all brought within the relation and circumstance for which it provides it is not a local or special law in the constitutional sense." [Citations omitted.]

More recently, the Supreme Court of Nebraska again interpreted this provision of the Constitution as it related to the Nebraska Mortgage Finance Fund. The court there held that the act applied equally to all persons within the class and that it was permissible for the Legislature to make classifications, provided they were made upon some reasonable basis. The court then stated:

> We have many times said that the power of classification rests with the Legislature and cannot be interfered with by the courts unless it is clearly apparent the Legislature has by artificial and baseless classification attempted to evade and violate provisions of the Constitution prohibiting local and special legislation. Dwyer v. Omaha-Douglas Public Building Commission, 188 Neb. 30, 195 N.W.2d 236; City of Scottsbluff v. Tiemann, 185 Neb. 256, 175 N.W.2d 74.
>
> Statutes which are reasonably designed to protect the health, morals, and general welfare do not violate the Constitution where they operate uniformly on all within a class which is reasonable.

This is so even if a statute grants special or exclusive privileges where the primary purpose of the grant is not the private benefit of the grantees but the promotion of the public interest. State ex rel. Meyer v. Knutson, 178 Neb. 375, 133 N.W.2d 577. The Act does not impermissibly grant to the Fund privileges, immunities, or exclusive franchises because of classification. The classification is constitutionally reasonable and proper.

The court had previously determined in the same case that the purpose of the act was to assist private mortgage lenders in providing mortgage financing for single family residences at reduced interest rates for low and moderate income families and this was a public purpose. State ex rel. Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 445, 283 N.W. 2d 12 (1979).

As you know, in that case, as in the present instance, the fund was administered by what the court determined to be a governmental body related to state government.

The declared purpose of the laws setting up the various grain boards and funds is the promotion of these industries in Nebraska for the general welfare. The encouragement of alcohol plants falls within this general purpose even though their is also a benefit to individuals and companies.

While this declaration is not binding on the courts, we feel the purpose here is as much of a public purpose as was present in the Nebraska Mortgage Finance Fund case.

For the foregoing reasons, it is our opinion that the amendments to LB 505 are not in violation of Article III, Section 18, of the Constitution of Nebraska.

This opinion is limited to an evaluation of LB 505 in its relation to Article III, Section 18, of the Nebraska Constitution about which you specifically inquired.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 65
March 31, 1983

Dear Senator Cullan:

In your letter of March 25, 1983, you call to our attention

Legislative Bill 319 and inform us that an amendment has been offered to this Legislative Bill and ask our opinion as to whether or not this amendment would render this bill violative of Article III, Section 18 of the Constitution of the State of Nebraska.

Generally speaking, Legislative Bill 319 relates to unemployment insurance and the amendment specifically would provide: ". . . and (r) service performed by an individual for a business engaged in compilation of marketing data bases if such service consists only of the processing of data and is performed in the residence of the individual."

Article III, Section 18 of the Constitution of the State of Nebraska prohibits special legislation. You inform us that the floor debate concerning this amendment indicates that it was specifically drawn for the benefit of one particular existing corporation operating in Nebraska. You then inquire as to whether or not in our opinion this fact would render the entirety of the Legislative Bill special legislation and therefore unconstitutional in violation of Article III, Section 18 of the Constitution of the State of Nebraska.

While it is true as you suggest, legislative debate is of value in determining questions of constitutionality, the actual wording and the import of the actual words used is of primary concern.

From our reading of this amendment, it does not appear by its actual words to be so restrictive as to limit its application to a particular corporation, even though at the present time in the minds of its proponents only one beneficiary may be envisioned. Even if as a matter of fact this amendment would apply at the present time to only one corporation such would, in our opinion, still not render this provision unconstitutional so long as the language creating the classification would admit additions to that class. Campbell v. City of Lincoln, 182 Neb. 459, 155 N.W.2d 444, Axberg v. City of Lincoln, 141 Neb. 55, 2 N.W.2d 613.

Therefore, in conclusion, while the proponents of this particular amendment may believe that it will benefit a single corporation, the language used appears to us to be broad enough to admit an unlimited number of additions to the class and as such, we do not believe the amendment would be violative of Article III, Section 18 of the Constitution of the State of Nebraska.

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

TRS:jmh
cc: Patrick J. O'Donnell
Clerk of the Legislature

SELECT COMMITTEE REPORT
Committee on Committees

The Committee on Committees has this day taken action to appoint Senator Ron Withem to serve on the Public Health and Welfare Committee as well as the Public Works Committee.

(Signed) Harry B. Chronister, Chairperson

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 264. Placed on General File as amended.
Standing Committee amendments to LB 264:
AM0990

1. Strike the original sections and insert the following new sections:

"Section 1. That section 54-715, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-715. Whenever any bovine animal has reacted to the tuberculin test, or has otherwise been determined by the Department of Agriculture to be affected with tuberculosis, such animal shall be branded, quarantined, and slaughtered pursuant to the rules and regulations promulgated by the department. There shall be no retesting of reactor animals. ~~The owner shall be compensated by the state in the sum of fifty dollars for any grade animal and one hundred dollars for any registered animal; Provided, that when such owner does not receive compensation from the federal government for such animal or animals, such owner may receive double the amount of indemnity from the State of Nebraska, if funds are available. The appraisal requirements of section 54-748 shall not apply to this section.~~

Sec. 2. That section 54-1332, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-1332. For the protection and promotion of the cattle industry in Nebraska and the proper administration and enforcement of the provisions of sections 54-1331 to 54-1347 with reference to the control and eradication of brucellosis, it is necessary to confine administration of brucellosis vaccine to accredited veterinarians. The administration of

brucellosis vaccine shall be restricted in Nebraska to accredited veterinarians only. Such veterinarians shall furnish the bureau with a full and detailed report of its use on forms prescribed for that purpose. The bureau is further authorized to promulgate rules and regulations for the purpose of carrying out the provisions of sections 54-1331 to 54-1347. ~~The owner of cattle tested and positive to an official test for brucellosis may be compensated by the state in the sum of seven and one half dollars for any grade female animals, and fifteen dollars for registered purebred animals; Provided, funds are available. The appraisal requirements of section 54-748 shall not apply to this section.~~

Sec. 3. That original sections 54-715 and 54-1332, Reissue Revised Statutes of Nebraska, 1943, and also sections 54-726, 54-726.02, 54-749, 54-1502, 54-1506, and 66-303 to 66-326, Reissue Revised Statutes of Nebraska, 1943, and section 2-103, Revised Statutes Supplement, 1982, 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. On page 1, strike lines 1 through 7 and insert "FOR AN ACT to amend sections 54-715 and 54-1332, Reissue Revised Statutes of Nebraska, 1943, relating to livestock; to eliminate state reimbursement for the destruction of certain livestock; to harmonize provisions; to eliminate oil inspection programs; to repeal the original sections, and also sections 54-726, 54-726.02, 54-749, 54-1502, 54-1506, and 66-303 to 66-326, Reissue Revised Statutes of Nebraska, 1943, and section 2-103, Revised Statutes Supplement, 1982; and to declare an emergency.".

LEGISLATIVE BILL 265. Placed on General File as amended.
Standing Committee amendments to LB 265:
AM0988

1. Strike the original sections and insert the following new sections:

"Section 1. That section 71-5633, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5633. Loans made in accordance with the provisions of sections 71-5609 and 71-5612 to 71-5645

shall bear interest as follows:

(1) No interest while the borrower is engaged in study leading to the Doctor of Medicine degree;

(2) One per cent interest per annum to commence when the borrower obtains the Doctor of Medicine degree for loans granted prior to July 1, 1983, and five per cent interest compounded for loans granted July 1, 1983, and thereafter; or

(3) If the student discontinues the course of study for which the loan was granted or does not practice in a designated medical profession shortage area, according to the terms of the agreement, the interest will be set at the highest legal rate permissible by the laws of the State of Nebraska and the loan shall bear interest from the date the loan was executed.

Sec. 2. That original section 71-5633, Reissue Revised Statutes of Nebraska, 1943, and also section 71-2301, Reissue Revised Statutes of Nebraska, 1943, are 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. On page 1, strike beginning with "relating" in line 1 through "sections" in line 5 and insert "to amend section 71-5633, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to change an interest provision on certain loans as prescribed; to eliminate a provision establishing a branch laboratory; to repeal the original section, and also section 71-2301, Reissue Revised Statutes of Nebraska, 1943".

LEGISLATIVE BILL 267. Placed on General File as amended.
Standing Committee amendments to LB 267:
AM0992

1. Strike the original sections and insert the following new sections:

"Section 1. That section 85-505, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-505. Any member of the Nebraska National Guard who shall enroll, on or after July 22, 1978, in any state-supported university, college, or technical community college shall be entitled to a credit of

seventy-five per cent of the tuition charges of such school. Such entitlement shall be continuous so long as the member of the Nebraska National Guard maintains satisfactory performance with the guard and pursues his or her course of study in such institution in a manner which satisfies the normal requirements of the institution, except that the number of individuals granted such tuition credit shall not exceed the number of individuals granted such credits during the 1982-83 school year. When determining to whom such tuition credit shall be awarded, priority shall be given to those individuals who have previously received tuition credits while a National Guard member.

Sec. 2. That original section 85-505, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, strike beginning with "relating" in line 1 through "use" in line 3 and insert "to amend section 85-505, Reissue Revised Statutes of Nebraska, 1943, relating to tuition and fees at state educational institutions; to change a provision relating to the National Guard tuition credit; to repeal the original section".

LEGISLATIVE BILL 268. Placed on General File as amended.
Standing Committee amendments to LB 268:
AM0979

1. On page 1, strike lines 1 through 3 and insert "FOR AN ACT to amend section 24-730, Reissue Revised Statutes of Nebraska, 1943, relating to retired judges; to change provisions relating to compensation for temporary duty; to repeal the original section; and to declare an emergency.".

2. Strike the original sections and insert new sections as follows:

"Section 1. That section 24-730, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-730. A retired judge holding court pursuant to sections 24-729 to 24-733 shall receive, in addition to his or her retirement benefits, for each day of temporary duty an amount ~~equal to~~ established by the Supreme Court. Such amount, when taken together with

one-twentieth of the judge's monthly retirement benefit shall not exceed one-twentieth of the monthly salary he or she would receive if he or she were an active judge of that court.

Sec. 2. That original section 24-730, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 607. Placed on General File as amended.
Standing Committee amendments to LB 607:
AM0989

1. On page 1, line 3, after "sections" insert "23-362,"; in line 4 after the semicolon insert "to change a provision relating to law enforcement in certain counties;"; and in line 11 after "sections" insert ", and also section 23-362.03, Revised Statutes Supplement, 1982".

2. Insert the following new section:

"Section 1. That section 23-362, Revised Statutes Supplement, 1982, be amended to read as follows:

23-362. In order to equitably distribute the added burden of law enforcement imposed upon certain counties of this state by reason of the passage of Public Law 280 of the Eighty-third Congress dealing with state jurisdiction and the resulting withdrawal of federal law enforcement in such counties, there shall each fiscal year be paid out of the state treasury on the warrant of the ~~Director of Administrative Services~~ chairperson of the Nebraska Commission on Law Enforcement and Criminal Justice not to exceed seventy-six thousand dollars for the benefit of Indians in any county which has land held in trust by the United States government for the benefit of Indians to be used for purposes of law enforcement and jail operations. Such funds shall be divided as equally as possible between the areas of law enforcement and jail operations. A report shall be submitted on December 31 of each year on the operation and expenditures of the office of the county sheriff to the Executive Board of the Legislative Council and the Governor. Such payment shall be made to any county of this state meeting the following conditions:

(1) Such county shall have on file in the office of the ~~Director of Administrative Services~~ Nebraska Commission on Law Enforcement and Criminal Justice a certificate of the county assessor that there are within such county over twenty-five hundred acres of land held in trust by the United States, or subject to restriction against alienation imposed by the United States; and

(2) The county board of each such county may participate in alcohol-related programs with nonprofit corporations.".

3. On page 2, lines 21 and 22, strike the new matter.

4. On page 3, strike beginning with "one" in line 1 through the comma in line 2.

5. On page 13, line 9, strike "1 and 7" and insert "2 and 8"; in line 15 after "sections" insert "23-362,"; and in line 17 after the comma insert "and also section 23-362.03, Revised Statutes Supplement, 1982,".

6. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 618. Placed on General File as amended.
Standing Committee amendments to LB 618:
AM0991

1. Strike sections 1 through 18 and 20 through 32 and insert the following new section:
"Sec. 2. That original section 68-720, Revised Statutes Supplement, 1982, is repealed.".

2. On page 1, strike lines 1 through 14 and insert "FOR AN ACT to amend section 68-720, Revised Statutes Supplement, 1982, relating to the Department of Public Welfare; to continue the limitation on certain vendor payments; to repeal the original section; and to declare an emergency.".

3. On page 2, strike lines 1 through 25.

4. Renumber the remaining sections accordingly.

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Mesdames Morehead, Marsh, Miss Kilgarin, Messrs. Warner, L. Johnson, Wagner, H. Peterson, and Kahle asked unanimous

consent to have their names added as co-introducers to LBs 264, 265, 267, and 268. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 54.

Introduced by Fenger, 45th District.

WHEREAS, many American servicemen and civilians are still missing and unaccounted for as a result of the Vietnam conflict; and

WHEREAS, the families of the men who are missing and unaccounted for are subject to mental anguish and a sense of futility in their quest for information about such men, and many other Americans are troubled because of the situation of such families; and

WHEREAS, it is the United States government's statutory responsibility to ensure both the return of all prisoners of war and the accounting for missing personnel, as well as the repatriation of remains of those who perished serving our nation; and

WHEREAS, an increasing number of eyewitness reports of Americans in captivity in Southeast Asia continue to fill the hopes of the POW/MIA families that priority effort will be made to exact a precise accounting for these men.

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

1. That this Legislature go on record urging that new initiatives be taken at every level of government to secure the safe return of these Americans.

2. That this Legislature petition and thereby encourage the Congress of the United States to begin taking the steps required to secure the release of our prisoners of war and account for those who are still missing.

3. That a copy of this Resolution be sent to the Honorable President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and Nebraska's congressional delegation.

Laid over.

MOTION - Approve Appointments

Mr. Schmit moved the adoption of the report of the Public Works Committee for the following Governor appointments found in the Journal on page 1292: John M. Crowley, Don Hyde, Dale Thomas - Power Review Board; Richard C. Hahn, Robert William Bell, Michael

J. Shaughnessy - Natural Resources Commission.

Voting in the affirmative, 33:

Abboud	Barrett	Beyer	Chronister	Clark
Cullan	Eret	Fenger	Fowler	Goll
Haberman	Hannibal	Hefner	Jacobson	Johnson, L.
Johnson, R.	Kahle	Lamb	Landis	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Schmit	Sieck	Wagner
Warner	Wesely	Withem		

Voting in the negative, 0.

Present and not voting, 8:

Carsten	Chambers	DeCamp	Higgins	Lundy
Rupp	Vickers	Von Minden		

Excused and not voting, 8:

Beutler	Goodrich	Hoagland	Johnson, V.	Kilgarin
Labedz	Marsh	Wiitala		

The appointments were confirmed with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 605. 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 608. Title read. Considered.

Standing Committee amendments, AM0890, found in the Journal on page 1167 for the Fifty-Second Day were adopted with 27 ayes, 0 nays, 16 present and not voting, 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 628. Title read. Considered.

Mr. Warner renewed the pending Appropriations Committee

amendment found in the Journal on page 1296.

The amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. DeCamp offered the following amendment:
AM1008

1. On page 98, line 18, strike "2,014,518" and insert "2,139,518"; and in line 21 strike "2,651,518" and insert "2,776,518".

2. On page 99, line 13, strike "2,291,511" and insert "2,416,511"; and in line 16, strike "4,020,856" and insert "4,145,856".

The amendment was adopted with 26 ayes, 6 nays, 13 present and not voting, and 4 excused and not voting.

Mr. Lamb offered the following amendment:
AM1010

1. On page 12, line 25, strike "137,943,576" and insert "137,948,951"; and on line 27 strike "150,892,423" and insert "150,897,798".

2. On page 13, after line 12 insert:

"There is included in the amount shown $5,375 General Funds to provide fifty per cent of the tuition payments for children in Class VI school districts attending school out of state with the approval of the State Board of Education.".

3. On page 18, line 10, strike "187,835,940" and insert "187,841,315"; and in line 14 strike "242,584,755" and insert "242,590,130".

Mr. Lamb moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The Lamb amendment was adopted with 25 ayes, 9 nays, 11 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Advanced to E & R for Review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 630. 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.

UNANIMOUS CONSENT - Print in Journal

Mr. Goll asked unanimous consent to print the following amendment to LB 628 in the Journal. No objections. So ordered.

PURPOSE: To provide $43,578 General Funds to allow the Game and Parks Commission to assume the operation and maintenance of the Summit Lake Natural Resources District lake.
AMENDMENT:

1. On page 59, line 3, strike "2,499,908" and insert "2,543,486"; in line 5, strike "5,270,946" and insert "5,314,524"; in line 7, strike "2,799,322" and insert "2,809,830"; and after line 7, insert "There is included in the appropriation to this program $43,578 General Funds to assume the operation and maintenance of the Summit Lake Natural Resources District lake."

2. On page 60, line 10, strike "5,959,313" and insert "6,002,891"; and in line 12, strike "20,456,447" and insert "20,500,025".

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

LB 626 Tuesday, April 12, 1983 12:00 Noon

(Signed) John W. DeCamp, Chairperson

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 563. Indefinitely postponed.
LEGISLATIVE BILL 614. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

GENERAL FILE

LEGISLATIVE BILL 371. Considered.

Mr. Haberman asked unanimous consent to withdraw the pending amendment, AM0876, found in the Journal on page 1153. No objections. So ordered.

Mrs. Labedz asked unanimous consent to withdraw the pending amendments (1), (2), (3), and (4) to the Standing Committee amendment found in the Journal on page 1298. No objections. So

ordered.

MR. LANDIS PRESIDING

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Labedz offered the following amendment to the Standing Committee amendments:

(1)

AM1002

(Amendments to the Standing Committee Amendments)

1. In the Standing Committee Amendments on page 717 of the Journal, on page 1, strike lines 1 and 2.

2. Renumber the remaining amendments accordingly.

The amendment was adopted with 25 ayes, 5 nays, 15 present and not voting, and 4 excused and not voting.

Mrs. Labedz offered the following amendment to the Standing Committee amendments:

(2)

AM1001

(Amendments to the Standing Committee Amendments)

1. In the Standing Committee Amendments on page 717 of the Journal, on page 1, strike lines 3 through 12.

2. Renumber the remaining amendments accordingly.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Labedz amendment was adopted with 19 ayes, 9 nays, 16 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 73A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 73, Eighty-eighth Legislature, First

Session, 1983.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 619 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - AM0955.)

VISITORS

Visitors to the Chamber were 30 fourth grade students and teachers from Hitchcock Elementary School, Omaha; and Miss Beate Coors, a foreign exchange student from Walsrode, West Germany.

RECESS

At 11:53 a.m., on a motion by Mr. Withem, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:40 p.m, Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mesdames Marsh, Pirsch, and Mr. Hoagland who were excused; and Messrs. Chambers, Fenger, Fowler, Newell, Vickers, and Wesely who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 142. Considered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendments found in the Journal on page 1105 and 1300. No objections. So ordered.

Mr. DeCamp offered the following amendment:

1. On page 2, line 8, after "X-ray" insert "of the skeletal system"; in line 9 strike "analytical"; in line 10 strike "instruments," and "laboratory"; in line 11 strike "blood and"; strike beginning with the comma in line 13 through the comma in line 14; in line

17 strike "electrical and mechanical appliances," and strike "all"; in line 18 strike "natural agencies such as" and strike "clinical" and after "nutrition" insert a comma and strike "and"; in line 19 after the first comma insert "and colonic irrigation"; and strike beginning with "water" in line 19 through "profession" in line 21.

2. Strike section 4.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The DeCamp amendment was adopted with 28 ayes, 7 nays, 9 present and not voting, and 5 excused and not voting.

Messrs. V. Johnson and Schmit renewed their pending amendment, AM0975, found in the Journal on page 1299.

Mr. V. Johnson requested a record vote on his amendment.

Voting in the affirmative, 16:

Abboud	Beutler	Chambers	Clark	Cullan
Haberman	Higgins	Johnson, R.	Johnson, V.	Labedz
Lamb	Newell	Nichol	Pappas	Schmit
Vickers				

Voting in the negative, 21:

Barrett	Beyer	Carsten	Chronister	DeCamp
Goll	Goodrich	Hannibal	Hefner	Jacobson
Johnson, L.	Kahle	Kilgarin	Landis	Lundy
Morehead	Peterson, H.	Remmers	Rupp	Sieck
Wiitala				

Present and not voting, 7:

Eret	Peterson, R.	Von Minden	Wagner	Warner
Wesely	Withem			

Excused and not voting, 5:

Fenger	Fowler	Hoagland	Marsh	Pirsch

The V. Johnson-Schmit amendment lost with 16 ayes, 21 nays, 7 present and not voting, and 5 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 170. Placed on Select File as amended.
E & R amendments to LB 170:
AM5101

1. On page 1, line 2, strike "section" and insert "sections 37-201 and"; in line 4, strike "limited permits" and insert "game and parks"; in line 5, strike "such" and insert "limited"; and in line 6 after the semicolon insert "to change provisions relating to hunting by farmers or ranchers;".

2. In the Standing Committee amendments on page 1, line 8, strike "agruicultural" and insert "agricultural".

LEGISLATIVE BILL 306. Placed on Select File.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 630 in the Journal. No objections. So ordered.

1. Add a new section:

"Section 4. Program 901. The Executive Board of the Legislative Council is hereby authorized to renovate areas within the southwest quadrant of first floor of the State Capitol for hearing rooms and related office space. There is hereby appropriated $200,000 from the State Building Fund for the fiscal year ending June 30, 1984, to initiate the renovations. There is hereby appropriated $336,000 from the State Building Fund for the fiscal year ending June 30, 1985, to complete the renovations."

2. Renumber original sections 4 to 51 as sections 5 to 52.

Mr. Abboud asked unanimous consent to print the following amendment to LB 560 in the Journal. No objections. So ordered.

AM0987

1. On page 4, line 11, strike "or retail",

and in line 17 strike "of any type" and insert "in data processing, information processing, telecommunications, insurance, or financial services".

Mr. Abboud asked unanimous consent to print the following amendment to LB 122 in the Journal. No objections. So ordered.

AM1021

(Amendments to the Standing Committee Amendments)

1. On page 1, after line 21 insert:

"(5) Consumer shall mean any person or business who purchases natural gas for personal use and not for resale;" in line 22 strike "(5)" and insert "(6)".

2. On page 2, line 4, strike "(6)" and insert "(7)".

3. On page 4, strike beginning with "and" in line 16 through "costs" in line 18; and after the period in line 18 insert "The retailer shall be charged by the intervenor for the actual incurred costs of the intervenor's office in such conflicts. Such charges may not be passed on to the consumers by the retailer.".

4. On page 5, line 20, strike "retail" and insert "wholesale"; in line 22, strike "number of customers served" and insert "amount of natural gas sold"; and in line 26 after the period insert "The charges may not be passed on to the retailer or the consumers.".

5. On page 6, line 2, strike "retail entity served by a"; in line 4 strike "the number of customers served" and insert "amount of natural gas sold"; and in line 7 after "intervention" insert "and such charges may not be passed on to the retailers or consumers.".

GENERAL FILE

LEGISLATIVE BILL 142. Mr. Cullan moved to indefinitely postpone.

The Cullan motion lost with 8 ayes, 20 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Cullan offered the following amendment:

Notwithstanding any other section of law no insurance company shall be required to contract for the reimbursement of services provided by chiropractors.

The Cullan amendment lost with 12 ayes, 18 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Cullan requested a record vote on the advancement of the bill.

Voting in the affirmative, 28:

Barrett	Beutler	Beyer	Carsten	Chronister
DeCamp	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Jacobson	Johnson, L.
Kahle	Kilgarin	Landis	Lundy	Morehead
Pappas	Peterson, H.	Remmers	Rupp	Sieck
Von Minden	Wiitala	Withem		

Voting in the negative, 4:

Cullan	Johnson, V.	Newell	Schmit

Present and not voting, 14:

Abboud	Chambers	Clark	Eret	Higgins
Johnson, R.	Labedz	Lamb	Nichol	Peterson, R.
Vickers	Wagner	Warner	Wesely	

Excused and not voting, 3:

Hoagland	Marsh	Pirsch

Advanced to E & R for Review with 28 ayes, 4 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 533. Title read. Considered.

Pending.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 259. Placed on Select File as amended.
E & R amendments to LB 259:
AM5096

1. On page 1, line 1, strike "bingo and pickle cards" and insert "gambling"; in line 2, strike "28-1113," and insert "28-1105, 28-1113, 28-1114,"; in line 5, after "9-153," insert "9-156,"; and in line 10 after the semicolon insert "to change provisions

relating to bingo, raffles, lotteries, and gift enterprises as prescribed; to authorize the use of pickle cards as prescribed; to provide procedures;".

2. On page 2, line 2, strike "an" and strike "date" and insert "dates"; in line 3 strike "and"; in line 5 after "1982" insert "; and to declare an emergency".

3. In the Standing Committee amendments (a) page 5, line 14, after "That" insert "original"; (b) page 6, line 26 after "strike" insert "the second"; (c) page 8, line 10 after "28-1115" insert a quotation mark; (d) on page 9, line 9 underscore "designators" and in line 22 strike "receptacle" and insert "and"; (e) page 11, line 18, strike the underscored period; (f) page 12, line 14, after "32," insert "lines 8 and 24,"; and (g) page 13, line 9, strike "effective" and insert "operative" and strike "act" and insert "section" and in line 16 after "through" insert "the second".

4. On page 5, line 10, strike "and".

5. On page 13, line 19, strike "and"; and in line 25 strike "his or her", show as stricken, and insert "its".

6. On page 14, line 27, strike "chairman", show as stricken, and insert "chairperson".

7. On page 22, line 9, after "9-173" insert an underscored period and strike the old period and show as stricken and in line 20 after "revoked" insert an underscored period and strike the old period and show as stricken.

8. On page 29, line 15, after "for" insert "a".

9. On page 30, line 16, strike the semicolon and insert an underscored period.

10. On page 31, line 10, strike the second "and" and insert "or" and in line 27, strike the comma.

11. On page 33, line 26, strike "and 28-1115".

12. On page 39, line 7, after "members" insert "of the commission".

(Signed) Rod Johnson, Chairperson

NOTICE OF COMMITTEE HEARINGS
Agriculture and Environment

Governor's Appointment, Tuesday, April 12, 1983 7:00 p.m.

Gary Goldberg, Ag. Products Industrial Utilization Committee - Gasohol

LB 627 Tuesday, April 12, 1983 7:00 p.m.

(Signed) Rex Haberman, Chairperson

GENERAL FILE

LEGISLATIVE BILL 533. Considered.

Mr. Warner asked unanimous consent to withdraw his pending amendment found in the Journal on page 1123. No objections. So ordered.

Mr. Warner renewed his pending amendment, AM0935, found in the Journal on page 1261.

Mr. Fenger asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Chronister 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.

Mr. Warner requested a record vote on his amendment.

Voting in the affirmative, 18:

Beutler	Beyer	Carsten	Clark	Cullan
Hannibal	Johnson, V.	Kilgarin	Landis	Morehead
Newell	Nichol	Pappas	Rupp	Vickers
Warner	Wesely	Wiitala		

Voting in the negative, 19:

Barrett	DeCamp	Fowler	Goll	Haberman
Hefner	Johnson, L.	Johnson, R.	Kahle	Labedz
Lamb	Lundy	Peterson, H.	Peterson, R.	Remmers
Schmit	Sieck	Von Minden	Wagner	

Present and not voting, 7:

Abboud Chambers Eret Goodrich Higgins
Jacobson Withem

Excused and not voting, 5:

Chronister Fenger Hoagland Marsh Pirsch

The Warner amendment lost with 18 ayes, 19 nays, 7 present and not voting, and 5 excused and not voting.

MR. V. JOHNSON PRESIDING

Mr. Lamb 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. Haberman moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Advanced to E & R for Review with 26 ayes, 13 nays, 5 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 273 in the Journal. No objections. So ordered.

1. On page 2, line 7, after "oral" insert "or topical".
2. On page 3, line 8, strike "ninety" and insert "one hundred twenty".
3. On page 4, strike beginning with "be" in line 1 through "hours" in line 2, and insert "include"; and in line 3, strike "fifteen hours of".
4. On page 4, strike beginning with "Failure" in line 14 through "revocation" in line 15.
5. Renumber remaining section, Section 5

Messrs. Vickers, Wagner, Goodrich, Fenger, and H. Peterson asked unanimous consent to print the following amendment to LB 465 in the Journal. No objections. So ordered.

1. In the Standing Committee amendment found on page 1022 of the Legislative Journal, strike Section 1, subsection (2), and insert: (2) Notwithstanding subsection (1) of this section or section 79-801.02, no annexation by a city or village encompassed within any Class III school district, which annexation occurs after the effective date of this act, but before August 15, 1984, shall operate to change any school district

boundaries in the area annexed, nor shall any election prescribed by subsection (1) of this section be held after the effective date of this act but before August 15, 1984. Provided however, that nothing in this act shall prevent the boards of education of annexing and annexed school districts affected by such annexation by a majority vote of the members of such boards from entering into an agreement concerning any boundary changes and disposition of property. For annexations occurring on or after August 15, 1984, the provisions of this subsection shall be null and void and shall have no effect. Any changes in school district boundaries which would otherwise occur as a result of annexations occurring after the effective date of this act but before August 15, 1984, shall be governed by the provisions of applicable law as such may exist after August 15, 1984.

RESOLUTION

LEGISLATIVE RESOLUTION 55.

Introduced by V. Johnson, 8th District.

WHEREAS, today's office is increasingly dependent upon the professional secretary's technical skills, organization, and decision-making capability; and

WHEREAS, more professional secretaries are needed if office productivity is to keep pace with the demands of society.

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

That the week of April 24 to April 30, 1983, be proclaimed as Professional Secretaries Week, and Wednesday, April 27, 1983, be proclaimed as Professional Secretaries Day throughout the State of Nebraska. The citizens of Nebraska are invited to acknowledge the vital contributions of professional secretaries by joining with the originator and sponsor of these events, Professional Secretaries International, in their recognition.

Laid over.

ANNOUNCEMENTS

Mr. Vickers announced an Executive Session of the Education Committee 8:30 a.m., Thursday under the south balcony.

Speaker Nichol announced that at the request of the introducer, Senator John DeCamp, LB 336 will not be debated on Thursday, April 7. LB 356 and LB 395 will be discussed as originally planned.

VISITORS

Visitors to the Chamber were 22 German students from Kassel West Germany; 13 fourth grade students and teacher from St. Joseph School, York; Dennis Gengler from South Sioux City; 10 students, instructors, and parent from Nebraska School for the Visually Handicapped, Nebraska City; and Senator Remmers son-in-law, Mike Guilliatt, grandsons, Mark and Scott, from Fremont, and their friends from Iowa.

ADJOURNMENT

At 4:45 p.m., on a motion by Mr. Lundy, the Legislature adjourned until 9:00 a.m., Wednesday, April 6, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-EIGHTH DAY - APRIL 6, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 6, 1983

Pursuant to adjournment, the Legislature met at 9:05 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Rev. Richard Dinsdale, retired, United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beyer, Hoagland, and Mrs. Marsh who were excused; and Messrs. Fowler, Rupp, Schmit, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Seventh Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 120. Placed on Select File as amended.
E & R amendments to LB 120:
AM5098

1. On page 1, line 4, strike "a term" and insert "terms".
2. In the Standing Committee amendments, page 1, line 6, after "right-of-way" insert "as prescribed".

LEGISLATIVE BILL 505. Placed on Select File as amended.
E & R amendments to LB 505:
AM5099

1. On page 1, line 2, strike "and" and after "2-2309," insert "2-2311,"; in line 3, strike "2-4011"

and insert "2-3623"; in line 4, after "1982," insert "section 2-3316, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 181, Eighty-eighth Legislature, First Session, 1983, section 2-4011, Revised Statutes Supplement, 1982, as amended by section 1, Legislative Bill 535, Eighty-eighth Legislature, First Session, 1983, and section 2-4012, Revised Statutes Supplement, 1982, as amended by section 2, Legislative Bill 535, Eighty-eighth Legislature, First Session, 1983,"; and in line 5, after the semicolon insert "to change provisions relating to the fee or excise tax on such commodities;".

2. In the Schmit amendments, page 1237 of the Journal, number 3, line 2, after "development" insert an underscored comma.

3. For purposes of correlation with section 1, Legislative Bill 181, in the Schmit amendments, AM0155, page 2, line 9, after "1943," insert "as amended by section 1, Legislative Bill 181, Eighty-eighth Legislature, First Session, 1983,"; in line 13, strike "grown in the State of Nebraska and"; and in line 14 after "channels" insert "in the State of Nebraska".

4. For purposes of correlation with section 1, Legislative Bill 535, page 7, line 3, after "1982," insert "as amended by section 1, Legislative Bill 535, Eighty-eighth Legislature, First Session, 1983,"; in line 8, after "commodity" insert "grain sorghum" and show as stricken; in line 17 after the second "the" insert "grain sorghum"; in line 23, after "the" insert "grain sorghum"; in line 27, strike "growers" and remove the underscoring; and on page 8, line 1, strike "have" and remove the underscoring.

5. For purposes of correlation with section 2, Legislative Bill 535, in the Schmit amendment AM0155, page 4, line 1, after "1982," insert "as amended by section 2, Legislative Bill 535, Eighty-eighth Legislature, First Session, 1983,"; in line 4, strike "hundred weight" and insert "hundredweight", and in lines 19 and 20, strike "one half of one cent per hundred weight" and insert "the amount authorized by subsection (1) of this section".

6. In lieu of the Schmit amendment, AM0155, number 2, on page 8, line 22, strike "and" and after "2-2309," insert "2-2311,"; in line 23, strike "2-4011" and insert "2-3623", and after "1982," insert "and

section 2-3316, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 181, Eighty-eighth Legislature, First Session, 1983, section 2-4011, Revised Statutes Supplement, 1982, as amended by section 1, Legislative Bill 535, Eighty-eighth Legislature, First Session, 1983, and section 2-4012, Revised Statutes Supplement, 1982, as amended by section 2, Legislative Bill 535, Eighty-eighth Legislature, First Session, 1983,".

LEGISLATIVE BILL 73. Placed on Select File as amended.
E & R amendments to LB 73:
AM5100

1. On page 1, line 1, after "sections" insert "88-404,", after "88-502," insert "and", and strike "and 88-518,"; and in line 6, after the semicolon insert "to change certain duties of the Public Service Commission;".

2. On page 16, line 10, after "88-502," insert "and"; and in line 11, strike "and 88-518,".

3. Because of Standing Committee amendment 2, strike Eret amendment AM0837, number 2.

Correctly Engrossed

The following bills were correctly engrossed: 96, 235A, and 309.

(Signed) Rod Johnson, Chairperson

REPORT

Received audit reports from the Auditor of Public Accounts for the following:
Department of Education, Abstracters Board of Examiners, Department of Veterans' Affairs, Department of Justice, Department of Roads, Nebraska State Patrol, Department of Correctional Services, State Claims Board, Department of Motor Vehicles, Board of Educational Lands & Funds, Department of Personnel & Nebraska Joint Merit System, Department of Insurance, and Public Employees' Retirement Board.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 78.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2261, Reissue Revised Statutes of Nebraska, 1943, and section 23-1201, Revised Statutes Supplement, 1982; to define terms; to change certain provisions relating to the duties of the prosecuting attorney; to change certain provisions relating to presentence investigations; 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:

Abboud	Barrett	Beutler	Carsten	Chambers
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Goll	Goodrich	Haberman	Hannibal
Hefner	Higgins	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Sieck
Vickers	Von Minden	Wagner	Warner	Wiitala
Withem				

Voting in the negative, 0.

Present and not voting, 1:

Jacobson

Excused and not voting, 7:

Beyer	Fowler	Hoagland	Marsh	Rupp
Schmit	Wesely			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 270.

A BILL FOR AN ACT to amend section 76-717, Reissue Revised Statutes of Nebraska, 1943, relating to eminent domain; to change provisions relating to appeals 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:

Abboud	Barrett	Beutler	Carsten	Chambers
Chronister	Cullan	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Hefner
Higgins	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Sieck	Vickers
Von Minden	Wagner	Warner	Wiitala	Withem

Voting in the negative, 1:

Clark

Present and not voting, 1:

Jacobson

Excused and not voting, 7:

Beyer	Fowler	Hoagland	Marsh	Rupp
Schmit	Wesely			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 125.

A BILL FOR AN ACT relating to public improvements; to amend sections 16-624 and 18-407, Reissue Revised Statutes of Nebraska, 1943, and section 17-510, Revised Statutes Supplement, 1982; to change provisions relating to the creation of improvement or utility districts in cities and villages; 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:

Abboud	Barrett	Beutler	Carsten	Chambers
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Goll	Goodrich	Haberman	Hannibal

Hefner	Higgins	Jacobson	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Sieck	Vickers	Von Minden	Wagner	Warner
Wiitala	Withem			

Voting in the negative, 0.

Excused and not voting, 7:

Beyer	Fowler	Hoagland	Marsh	Rupp
Schmit	Wesely			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

ANNOUNCEMENT

The Chair announced today is Senator Kahle's birthday.

MOTION - Return LB 155 to Select File

Mr. Chambers moved to return LB 155 to Select File for the following specific amendment:
Strike section 5

Mr. Chambers requested a roll call vote on his motion to return LB 155.

Voting in the affirmative, 18:

Abboud	Barrett	Beutler	Chambers	Eret
Fowler	Goodrich	Hannibal	Johnson, R.	Johnson, V.
Kilgarin	Labedz	Lamb	Landis	Pirsch
Vickers	Wagner	Withem		

Voting in the negative, 24:

Carsten	Chronister	Clark	Cullan	DeCamp
Fenger	Goll	Haberman	Hefner	Jacobson
Johnson, L.	Kahle	Lundy	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Remmers
Schmit	Von Minden	Warner	Wesely	

Present and not voting, 3:

Higgins	Sieck	Wiitala

Excused and not voting, 4:

Beyer	Hoagland	Marsh	Rupp

The Chambers motion lost with 18 ayes, 24 nays, 3 present and not voting, and 4 excused and not voting.

Mr. Chambers asked unanimous consent to pass over LB 155. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 252. With Emergency.

A BILL FOR AN ACT relating to banks; to amend sections 8-702 and 21-17,131, Reissue Revised Statutes of Nebraska, 1943, sections 8-116 and 8-122, Revised Statutes Supplement, 1982, and section 8-157, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 58, Eighty-eighth Legislature, First Session, 1983; to state legislative findings; to provide an exception to membership in the Federal Deposit Insurance Corporation; to provide an exception to procedural requirements of bank charters; to change provisions relating to branch banking and auxiliary offices; to redefine terms; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Abboud	Barrett	Carsten	Chronister	Clark
Cullan	DeCamp	Eret	Fenger	Fowler
Goll	Goodrich	Haberman	Hannibal	Hefner
Higgins	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Schmit
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Beutler

Excused and not voting, 4:

Beyer Hoagland Marsh Rupp

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 169 to Select File

Mr. Warner and Miss Kilgarin moved to return LB 169 to Select File for their specific amendment, AM0939, found in the Journal on page 1227.

The motion to return prevailed with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 169. The Warner-Kilgarin specific amendment found in the Journal on page 1227 was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 78, 270, 125, and 252.

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 529. Placed on General File as amended.
Standing Committee amendments to LB 529:
AM0995

1. On page 1, line 4, strike "increase" and insert "adjustment".
2. On page 3, line 7, after "increase" insert

4 "or decrease".

(Signed) Jerome Warner, Chairperson

POINT OF ORDER

Mr. Beutler raised a point of order pursuant to Rule 5, Section 5(h) as to the bills scheduled on the Agenda today being placed ahead of priority bills.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

The Chair ruled these are Speaker Special Order bills and as such can be scheduled ahead of other priority bills.

Mr. Beutler challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Beutler asked unanimous consent to withdraw his motion to challenge the Chair. No objections. So ordered.

MOTION - Suspend Rules

Mr. Warner moved to suspend Rule 5 Section 5 and take up LB 263, 266, 271, 617, 468, 498, 264, 265, 267, 268, 618, 607, 410, 192, 396, 610, 629 this day.

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Warner moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Warner requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 27:

Barrett	Carsten	Chronister	Fenger	Fowler
Goll	Goodrich	Hefner	Johnson, L.	Johnson, V.
Kahle	Kilgarin	Landis	Lundy	Morehead
Newell	Nichol	Pappas	Peterson, H.	Rupp
Schmit	Sieck	Von Minden	Wagner	Warner
Wesely	Wiitala			

Voting in the negative, 15:

Abboud	Beutler	Chambers	Cullan	DeCamp
Eret	Haberman	Hannibal	Jacobson	Johnson, R.
Lamb	Pirsch	Remmers	Vickers	Withem

Present and not voting, 3:

Clark	Higgins	Peterson, R.

Excused and not voting, 4:

Beyer	Hoagland	Labedz	Marsh

The Warner motion to suspend the rules lost with 27 ayes, 15 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 6, 1983, at 11:00 a.m., were the following bills: 78, 270, 125, and 252.

(Signed) Jan Loder, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following amendment to LB 192 in the Journal. No objections. So ordered.

AM1028
(Amendments to Standing Committee Amendments, AM0484)

1. Strike original amendments 2 and 4 and insert the following new amendments:

"2. On page 4, line 8, strike the new matter; reinstate the stricken matter beginning with "Fifth" in line 9 through "be" in line 10; in line 10 after the stricken "and" insert "placed in the Nebraska Cancer Research Fund to"; reinstate the stricken matter beginning with "carry" in line 10 through "and" in line 11; in line 12 strike the new matter and reinstate the stricken matter; in line 19 after "81-638." insert "The Nebraska Cancer Research Fund is hereby created."; reinstate the stricken matter beginning with "The" in line 19 through the first "the" in line 20; after the

stricken "Fund" in line 20 insert "Nebraska Cancer Reasearch Fund"; reinstate beginning with "to" in line 20 through "amount" in line 21; reinstate the stricken matter beginning with "derived" in line 21 through "by" in line 22; in line 22 after the stricken comma insert "Chapter 77, article 26,"; in line 23 reinstate "less any amount appropriated from the" and after the stricken "Fund" insert "Nebraska Cancer Research Rund"; reinstate the stricken matter in lines 24 and 25; in ine 25 after the reinstated period insert "Any money in the Nebraska Cancer Research Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269."; and in line 27 strike the new matter and reinstate the stricken matter.

4. On page 5, line 8, strike "section" and insert "sections" and after 77-2602" insert "and 81-641".

5. Renumber remaining sections accordingly.".

2. On page 1, line 16, strike "Strike original section 2 and insert" and insert "Insert"; and in line 18 strike "2" and insert "3".

3. On page 2, line 1, strike "Research and" and show as stricken; strike beginning with "(1)" in line 2 through "(3)" in line 5 and show as stricken; in line 5 strike the second comma and show as stricken; and in line 6 strike "(4)" and show as stricken.

SELECT FILE

LEGISLATIVE BILL 571. Mr. Hefner renewed his pending motion found in the Journal on page 1258 to indefinitely postpone.

MR. CLARK PRESIDING

Mr. R. Johnson asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 7 nays, and 25 not voting.

Mr. Sieck moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 8 nays, and 19 not voting.

Mr. H. Peterson moved to recess until 1:30 p.m.

Mr. H. Peterson moved for a Call of the House. The motion lost with 13 ayes, 16 nays, and 20 not voting.

The motion to recess lost with 15 ayes, 19 nays, and 15 not voting.

Mr. Hefner moved for a Call of the House. The motion prevailed with 19 ayes, 3 nays, and 27 not voting.

Mr. Chambers moved to raise the Call. The motion lost with 4 ayes, 28 nays, and 17 not voting.

Mr. Hefner requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 20:

Abboud	Barrett	Carsten	Chronister	Clark
Fenger	Goll	Goodrich	Haberman	Hefner
Jacobson	Johnson, L.	Kahle	Lamb	Nichol
Peterson, H.	Peterson, R.	Pirsch	Remmers	Von Minden

Voting in the negative, 23:

Beutler	Chambers	Cullan	Eret	Fowler
Hannibal	Higgins	Johnson, V.	Kilgarin	Landis
Lundy	Morehead	Newell	Pappas	Rupp
Schmit	Sieck	Vickers	Wagner	Warner
Wesely	Wiitala	Withem		

Present and not voting, 1:

DeCamp

Excused and not voting, 5:

Beyer	Hoagland	Johnson, R.	Labedz	Marsh

The Hefner motion lost with 20 ayes, 23 nays, 1 present and not voting, and 5 excused and not voting.

MESSAGE FROM THE GOVERNOR

March 28, 1983

Mr. President, Mr. Speaker and
Members of the Legislature

State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Board of Public Roads Classifications and Standards, requiring legislative confirmation:

Appointee: Robert Stutzman (Department representative), Department of Roads, District Engineer, Lincoln, P.O. Box 94759, Lincoln, NE 68509-4759, 474-4987, Succeeds: David O. Coolidge, to fill unexpired term.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Robert Stutzman
Accountability and Disclosure Commission
Board of Public Roads Classifications and Standards
Department of Administrative Services
Staff Assistant to the Governor
for Executive Appointments (2 copies)
Nebraska Blue Book

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 239 in the Journal. No objections. So ordered.

AM1026

1. Insert the following new section:
"Sec. 2. That section 8-435, Revised Statutes Supplement, 1982, be amended to read as follows:
8-435. In addition to the loans authorized by sections 45-101.03 and ~~subdivisions (2) through (6) of section~~ 45-101.04, any industrial loan and investment company may contract and receive on any installment loan, charges, including simple interest of not to exceed nineteen per cent per year, except that a minimum charge of ten dollars may be charged in lieu of interest on small loans.".
2. On page 3, line 21, strike "section" and

insert "sections" and after "8-403.03" insert "and 8-435"; and in line 22 strike "is" and insert "are".

3. Renumber original section 2 as section 3.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 454.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 454
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0037

1. On page 1, line 1, "relating to banks and banking;" has been inserted after "act"; beginning with "section" in line 1 through "and" in line 2 the material has been stricken; in lines 3 and 4 ", relating to banks and banking" has been stricken; in line 8 after the semicolon "to provide for the construction of certain provisions; and" has been inserted; and in line 9 beginning with "sections" through "emergency" has been stricken and "section" inserted.

(Signed) Tristi J. Wilson
E & R Attorney

VISITORS

Visitors to the Chamber were 35 fourth grade students, teachers, and sponsors from Lincoln Elementary School, Hastings; Senator R. Peterson's mother, Opal, son, Mike, daughter-in-law, Donna, grandsons, Shaun and Eric from Norfolk; 12 eighth grade students, teacher, and sponsors from Cedar Canyon School, Gering; 40 fourth grade students and teachers from Brownell School, Lincoln; 29 students and instructor from Beaver Valley, Lebanon; Senator Pirsch's children, Phyllis, Peter, and Perry; and 54 eighth grade students and teacher from Wood River High School.

RECESS

At 12:14 p.m., on a motion by Mr. H. Peterson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m, Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Hoagland, R. Johnson, and Mrs. Marsh who were excused; and Messrs. Barrett, Beutler, Haberman, Schmit, Warner, Wiitala, Mesdames Higgins, and Labedz who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 304. Placed on Select File as amended.
E & R amendments to LB 304:
AM5102

1. On page 1, line 2, strike "section" and insert "sections 17-568 and"; in line 4 strike "17-503,"; and strike beginning with "to" in line 7 through the semicolon in line 8.
2. On page 4, line 26; and on page 12, line 5, strike "will" and insert "shall".
3. On page 9, line 15, after "curbing" insert an underscored comma.
4. On page 10, line 7, after "council" insert "or village board".
5. Because of the Newell amendment, on page 12, line 24, strike the reinstated "(1)", show as stricken, and insert "(2)".
6. On page 15, line 13, strike "17-503,".
7. In the Newell amendment, on page 2, line 14, strike "4" and insert "17-568.01".
8. Because of the Vickers amendment, in the Newell amendment (a) strike amendments 3 and 8; and (b) on page 1, line 7, strike "4" and insert "3".

LEGISLATIVE BILL 539. Placed on Select File as amended.
E & R amendments to LB 539:
AM5103

1. On page 1, line 2, strike "2-4316,", strike "to" and insert ", 2-4320, 2-4322,", strike "and", and strike "to 2-4327" and insert ", and 2-4326"; in line 5, strike "to provide exemptions;"; in line 7, strike "to modify penalties; and"; and in line 8 after "sections" insert "; and to declare an emergency".

2. On page 3, line 13, strike "all" and insert "any".

3. On page 4, line 2, strike "promulgating" and insert "adopting".

4. In the Standing Committee amendments, on page 1, line 2, underscore the first "and"; in line 12, strike the comma; in line 17, after "available" insert an underscored comma; and in line 18 after "annually" insert a comma.

LEGISLATIVE BILL 605. Placed on Select File.
LEGISLATIVE BILL 608. Placed on Select File.

(Signed) Rod Johnson, Chairperson

SELECT FILE

LEGISLATIVE BILL 571. Mr. H. Peterson offered the following amendment:

On page 11, line 12-13 & 14 to read 4 per cent of the first five thousand dollars remitted each month and 2 per cent of all amounts in excess of five thousand dollars each month.

Mr. H. Peterson moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. H. Peterson requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Abboud	Beyer	Clark	Fenger	Goll
Goodrich	Haberman	Hefner	Jacobson	Johnson, L.
Lamb	Nichol	Peterson, H.	Peterson, R.	Remmers
Von Minden				

Voting in the negative, 23:

Carsten	Chambers	Cullan	DeCamp	Fowler
Hannibal	Johnson, V.	Kilgarin	Labedz	Landis
Lundy	Morehead	Newell	Pappas	Pirsch
Rupp	Sieck	Vickers	Wagner	Warner
Wesely	Wiitala	Withem		

Present and not voting, 5:

Barrett	Chronister	Eret	Higgins	Kahle

Excused and not voting, 5:

Beutler	Hoagland	Johnson, R.	Marsh	Schmit

The H. Peterson amendment lost with 16 ayes, 23 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

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. Cullan requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Beutler	Cullan	DeCamp	Eret	Fowler
Hannibal	Higgins	Johnson, V.	Kahle	Kilgarin
Labedz	Landis	Lundy	Morehead	Newell
Pappas	Rupp	Schmit	Sieck	Vickers
Wagner	Warner	Wesely	Wiitala	Withem

Voting in the negative, 17:

Abboud	Barrett	Beyer	Carsten	Clark
Fenger	Goll	Goodrich	Hefner	Jacobson
Johnson, L.	Lamb	Peterson, H.	Peterson, R.	Pirsch
Remmers	Von Minden			

Present and not voting, 4:

Chambers	Chronister	Haberman	Nichol

Excused and not voting, 3:

Hoagland	Johnson, R.	Marsh

Advanced to E & R for Engrossment with 25 ayes, 17 nays, 4 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 571A. Mr. H. Peterson requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 14 nays, 6 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Kahle asked unanimous consent to print the following amendment to LB 198 in the Journal. No objections. So ordered.

AM1014

(Amendments to the Standing Committee Amendments)

1. On page 1, line 1, strike beginning with "Strike" through "insert" and insert "Insert"; and in line 3 strike "20" and insert "21".

2. On page 2, line 5, strike "14" and insert "15"; in lines 11 and 12 strike "19" and insert "20"; and after line 14 insert the following new amendment:

"5. On page 17, line 20, strike 'or assessment' and insert 'of fifty cents per year per acre benefitted'; and strike beginning with 'Any' in line 21 through line 27.".

3. On page 2, line 15, after the first comma insert "strike line 1; in" and strike the second comma; in line 17 strike beginning with the first "in" through the semicolon; in line 18 after the semicolon insert "and"; in line 19 strike beginning with the semicolon through "or 13"; and strike beginning with "in" in line 20 through "and" in line 21; and strike amendments 7 and 9.

4. Renumber the remaining sections accordingly.

Mrs. Higgins asked unanimous consent to print the following amendment to LB 273 in the Journal. No objections. So ordered.

AM0563

1. On page 2, line 7, after "oral" insert "and external" and before the semicolon insert "and who has completed the prescribed course of training for care staff members".

Mrs. Higgins asked unanimous consent to print the following amendment to LB 273 in the Journal. No objections. So ordered.

On page 2, line 21, after "No person" delete the comma and all language up through "Health," on line 24.

UNANIMOUS CONSENT - Member Excused

Mrs. Pirsch asked unanimous consent to be excused for the remainder of the day and Thursday and Friday, April 7 and 8, 1983. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 465. Messrs. Vickers and DeCamp asked unanimous consent to withdraw their pending amendment found in the Journal on page 1168. No objections. So ordered.

Mr. Rupp asked unanimous consent to withdraw his pending amendment found in the Journal on page 1178. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM0914, found in the Journal on page 1186. No objections. So ordered.

Mr. Cullan asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Vickers, Wagner, Goodrich, Fenger, and H. Peterson renewed their pending amendment found in the Journal on page 1330.

The amendment was adopted with 26 ayes, 8 nays, 10 present and not voting, and 5 excused and not voting.

Mr. DeCamp moved to indefinitely postpone LB 465.

Mr. DeCamp asked unanimous consent to withdraw his motion to indefinitely postpone. No objections. So ordered.

Mr. Wagner moved for a Call of the House.

The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. DeCamp requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 30:

Barrett	Beutler	Beyer	Carsten	Chambers
Fenger	Fowler	Goll	Goodrich	Hannibal
Hefner	Higgins	Johnson, L.	Johnson, V.	Kahle
Kilgarin	Labedz	Landis	Lundy	Morehead
Newell	Pappas	Peterson, H.	Rupp	Vickers
Wagner	Warner	Wesely	Wiitala	Withem

Voting in the negative, 13:

Abboud	Chronister	Clark	DeCamp	Eret
Haberman	Jacobson	Lamb	Peterson, R.	Remmers
Schmit	Sieck	Von Minden		

Present and not voting, 1:

Nichol

Excused and not voting, 5:

Cullan	Hoagland	Johnson, R.	Marsh	Pirsch

Advanced to E & R for Engrossment with 30 ayes, 13 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 432. Considered.

Mr. Newell moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Newell requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 12 nays, 7 present and not voting, and 5 excused and not voting.

MR. CHRONISTER PRESIDING

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chair declared the Call raised.

LEGISLATIVE BILL 64. E & R amendments, AM5075, found in the Journal on page 1200 for the Fifty-Third Day were adopted.

Mr. Warner renewed his pending amendment found in the Journal on page 1244.

Mr. Warner moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Warner amendment was adopted with 26 ayes, 4 nays, 13 present

and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. Landis offered the following amendment:
AM1040

1. In the Standing Committee Amendments, on page 1, line 15, before "and" insert "public or private utility companies,"; and strike beginning with "in" in line 16 through the first semicolon in line 19.

2. On page 1, line 2, after the semicolon insert "to provide an operative date;".

3. On page 3, strike beginning with "one" in line 20 through "Nebraska" in line 22 and insert "poverty income guidelines prescribed by the rules and regulations adopted and promulgated by the State Energy Office".

4. On page 4, line 14, after "regions" insert "of the state".

5. Insert the following new section:

"Sec. 18. This act shall become operative on September 1, 1983.".

6. Renumber the remaining sections accordingly.

Mr. Newell requested a division of the question on the Landis amendment.

The Chair sustained the division of the question.

The first Landis amendment is as follows:

2. On page 1, line 2, after the semicolon insert "to provide an operative date;".

3. On page 3, strike beginning with "one" in line 20 through "Nebraska" in line 22 and insert "poverty income guidelines prescribed by the rules and regulations adopted and promulgated by the State Energy Office".

4. On page 4, line 14, after "regions" insert "of the state".

5. Insert the following new section:

"Sec. 18. This act shall become operative on September 1, 1983.".

6. Renumber the remaining sections accordingly.

The amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

The second Landis amendment is as follows:

1. In the Standing Committee Amendments, on page 1, line 15, before "and" insert "public or private utility companies,"; and strike beginning with "in" in line 16 through the first semicolon in line 19.

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

Mr. Landis moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Landis requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Beutler	Beyer	Fenger	Goll	Goodrich
Higgins	Kilgarin	Lamb	Landis	Lundy
Morehead	Nichol	Pappas	Rupp	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely

Voting in the negative, 11:

Abboud	Carsten	Chambers	DeCamp	Fowler
Haberman	Jacobson	Johnson, V.	Labedz	Newell
Remmers				

Present and not voting, 12:

Barrett	Chronister	Clark	Eret	Hannibal
Hefner	Johnson, L.	Kahle	Peterson, H.	Peterson, R.
Wiitala	Withem			

Excused and not voting, 6:

Cullan	Hoagland	Johnson, R.	Marsh	Pirsch
Schmit				

The second Landis amendment lost with 20 ayes, 11 nays, 12 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 602 in the Journal. No objections. So ordered.

Amendment to the Warner Amendment (AM0964)
PURPOSE: To transfer federal Low Income Energy Assistance Block Grant funds to the Title XX Social Services Block Grant, allowing $1,639,887 of the Social Services General fund appropriation to reduce the deficit appropriation for Medicaid.
AMENDMENT:

On page 3 of the Warner Amendment (AM0964) in line 2, strike the new matter and insert "76,240,663"; in line 5, strike the new matter and insert "244,002,682"; in line 10, strike the new matter and insert "76,240,663"; in lines 24 and 25, strike "14,514,628", show as stricken and insert "12,874,741".

On page 5, in line 16, strike "2,177,501", show as stricken and insert "537,614"; in line 17, strike "12,571,339", show as stricken and insert, "14,211,226".

On page 7, in line 8, strike the new matter and insert "92,850,522"; in line 11, strike the new matter and insert "285,553,348".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 628. Placed on Select File as amended.
E & R amendments to LB 628:
AM5104

1. In the Warner amendment, line 1 of the new matter strike "also".
2. Because of the Warner amendment, in the Lamb amendment, line 4, strike "after line 12" and insert "before line 13".
3. On page 108, line 19, strike the period and insert a semicolon.
4. On page 110, line 26, after the semicolon insert "and".

LEGISLATIVE BILL 630. Placed on Select File.

(Signed) Rod Johnson, Chairperson

ATTORNEY GENERAL'S OPINIONS

Opinion No. 66
April 5, 1983

Dear Senator DeCamp:

You have asked relative to pending legislation, whether public funds may be used for the erection of official logo signs (on State highways), citing 23 U.S.C. §131 (f) (Cum. Supp.) as authority for such action.

Additionally, Neb.Rev.Stat. §39-634.01 (Reissue 1978) contains similar and more specific language.

In the absence of constitutional restrictions, these statutory sections would be considered to be adequate authorization for the erection of logo signs as and how indicated therein. However, there is a constitutional restriction in Nebraska preventing the State from extending its credit to private enterprise. Art. XIII, Sec. 3 of the Constitution of Nebraska states as follows:

> "The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, except that the state may guarantee or make long-term, low-interest loans to Nebraska residents seeking adult or post high school education at any public or private institution in this state. Qualifications for and the repayment of such loans shall be as prescribed by the Legislature. (Amended, 1968.)"

While it is not argued that logo signs would not be of assistance to the traveling public, it is considered that the entity being advertised would be receiving a direct monetary benefit from the State, plainly in violation of the constitutional provision cited. Therefore, your question is answered in the negative.

This matter has been raised once before with a similar answer being given in Opinion No. 217 of the Attorney General dated April 5, 1976, citing Opinion No. 8 dated January 22, 1973. Copies of both are attached.

You have further asked, by letter of March 29, 1983, whether public funds can be used to erect an official highway sign authorized and approved by the U.S. Department of Transportation's Federal Highway Administration.

In answer, we know of no restriction on the use of public funds for such purpose, assuming funds have been appropriated for highway expenditures. Such signs are considered an integral, and also necessary, part of the highway system. Neb.Rev.Stat. §39-1320 (2) (k) (Reissue 1978) lists as one state highway purpose, "The erection and maintenance of marking and warning signs and traffic signals".

If the thrust of your inquiry is to question the following of Federal Highway Administration authorization and approval of official highway signs you are referred to Neb.Rev.Stat. §39-1305 (Reissue

1978), which states:

"The department shall have the authority to make all contracts and do all things necessary to cooperate with the United States government in matters relating to the cooperative construction or improvement of the state highway system, or any road or street of any political or governmental subdivision or any public corporation of this state, or of any road necessary to be constructed for national defense, national forests and scenic purposes, for which federal funds or aid are secured and for maintenance of roads constructed for the United States government. Such contracts or acts shall be carried out in the manner required by the provisions of the acts of Congress and the rules and regulations made by an agent of the United States in pursuance of such acts."

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Randall E. Sims
Assistant Attorney General

RES:ta
Attachments
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 67
April 5, 1983

Dear Senator H. Peterson:

This is in response to your inquiry of March 31, 1983, with a proposed bill attached entitled the Industrial Financing Corporation Act. You inquire whether any parts of the enclosed bill are unconstitutional.

We have examined the bill generally and it appears to contain the identical or near identical provisions of the legislation approved by the Supreme Court of Nebraska in State ex rel. Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 445, 283 N.W.2d 12 (1979).

The only obvious difference in the two pieces of legislation is that the Nebraska Mortgage Finance Fund Act was established to provide lower interest mortgages for low and moderate income persons to obtain housing while this act has as its purpose the financing of industrial facilities under the same procedures as the other act.

Legislative declarations as to unemployment, loss of jobs and industry in the state, poverty and other problems are recited in the bill similar to that in the Nebraska Mortgage Finance Fund Act.

From a general examination of this act we find no unconstitutional provisions under the present state of the law in Nebraska.

Should you have any specific provision about which you have a question, please let us know.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK/cmb/t3
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 68
April 6, 1983

Re: LB 618

Dear Senator Haberman:

This is in response to your inquiry concerning the constitutionality of LB 618 from the standpoint of whether or not the bill contains more than one subject, in violation of the provisions of Article III, Section 14 of the Constitution.

Article III, Section 14 of the Constitution of Nebraska provides in part: "No bill shall contain more than one subject, and the same shall be clearly expressed in the title."

As stated in two recent opinions of this Office, it is well established that:

> [I]f an act has but one general object, and contains no matter not germane thereto, and the title fairly expresses the subject of the bill, it does not violate Article III, Section 14, of the Constitution. Anderson v. Tiemann, 182 Neb. 393, 155 N.W.2d 322 (1967); Yellow Cab Co. v. Nebraska, 175 Neb. 150, 120 N.W.2d 922 (1963); Rein v. Johnson, 149 Neb. 67, 30 N.W.2d 548 (1947); Beisner v. Cochran, 138 Neb. 445, 293 N.W. 289 (1940).

Opinions of the Attorney General, No. 34 and No. 35, Dated March 3, 1983.

In examining the provisions of LB 618 we find that it deals with a variety of subjects, including the control of noxious weeds; licensing and inspection of dairy farms; grants by the State Department of Education for special education programs; disposition of animals found to have reacted to tuberculin tests; compensation of farmers for brucellosis tests; interest rates on loans to medical students; University and college tuition of members of the National Guard; and a number of

others.

In addition, it appears to us that the provisions of §§15, 18, 25, 26, and 27 are not included in the title of the bill, and, that the title of LB 618 contains reference to providing the Director of Institutions with additional powers; the elimination of a state fair premium; elimination of predator control; elimination of certain student personnel services; and the elimination of bedding services, none of which are included in the bill proper.

In addition to the very glaring conflicts between the title and the content of LB 618 we are unable to find a single common purpose of the bill upon which we could safely base a conclusion that the bill meets the requirements of Article III, Section 14 of our Constitution.

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

BLP:ekj
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 69
April 6, 1983

Dear Senator DeCamp:

You have informed us that you have introduced LB 619 to attempt to correct the franchise tax problem, and state that there is speculation that the Tax Commissioner intends to apply the provisions of the bill retroactively. You ask whether a retroactive application of the provisions of the bill would be legal, possible, or constitutionally sound. You say that it appears to you that it would be applying an ex post facto law.

The prohibition of Article I, Section 16 of the Nebraska Constitution and Article I, Section 9 of the Federal Constitution against ex post facto laws is clearly not applicable to your question. In the case of In re Estate of Rogers, 147 Neb. 1, 22 N.W.2d 297 (1946) our court, citing a number of authorities, including the United States Supreme Court, held that the prohibition against the passage of ex post facto laws applied only to penal or criminal matters, and not to civil matters.

As to the passage of a retroactive income tax law, this appears to be constitutionally possible, within limits. In 71 Am.Jur.2d 764, State and Local Taxation, §460 we find:

In the absence of an express constitutional prohibition on

retroactive laws, income tax statutes may be constitutional although they have some retroactive effect. However, where they are based on a constitutional amendment, it seems that income tax statutes may not be given a retroactive effect beyond the time when the amendment became effective. And a retroactive income tax must be based on the income of a year sufficiently recent that such income may reasonably be supposed to have some bearing on the present ability of the taxpayer to pay the tax. Aside from these limitations, there is no definite and fixed period beyond which an income tax statute cannot be given a retroactive effect, since whether such a statute results in a denial of due process of law because of its retroactive operation depends on the circumstances in which the particular tax is imposed.

A tax may be imposed on the income of the entire current year, although part of the year has elapsed when the statute is passed. And an income tax statute may be constitutional although it measures the tax by the income of the year of the last legislative session preceding that of its enactment, by the income of the most recent year for which returns are available furnishing data upon which to estimate the total amount to be collected from the tax, or by the income of a year sufficiently recent so that the income of that year may reasonably be supposed to have some bearing upon the present ability of the taxpayer to pay the tax.

In the case of LB 619, there would appear to be no question about any interpretation by the Tax Commissioner. Section 3 of the bill provides that the act shall be operative for all taxable years commencing on or after January 1, 1983, or deemed to begin on or after January 1, 1983, under the Internal Revenue Code of 1954, as amended. Clearly, the provisions of the bill could not be applied to taxable years beginning before that date, and would be required to be applied to taxable years beginning after that date.

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

RHG/cmb/wl
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 70
April 4, 1983

Dear Senator Chambers:

You have forwarded to us a second final reading copy of Legislative Bill 155. Legislative Bill 155 enumerates certain consumer rights and remedies in cases where new motor vehicles do not conform to the terms of an express warranty provided by the manufacturer.

You indicate in your letter of referral that you have some concerns in regard to the construction and application of the bill's language. Your questions (your first question has been modified pursuant to your instructions in our telephone conversation on March 31, 1983) and corresponding answers are as follows:

1. Would provisions of an existing statute covering the same or similar subject matter as LB 155 which are more liberal toward the consumer than the provisions of LB 155 supplant the stricter provisions of the bill on account of section 8, which provides, "Nothing in this act shall in any way limit the rights or remedies which are otherwise available to a consumer under any other law."?

Although it is difficult to fully address this question without being able to apply the question to a specific example, we do not believe that section 8 would have the effect of liberalizing the provisions of LB 155 in cases where other laws had less stringent provisions. The wording of section 8 is merely an expression of intent to leave undisturbed any rights and remedies which may be available to the consumer under existing laws. That is not to say, however, that a consumer could pick out the more favorable elements of other laws in bringing an action under LB 155.

2. Because of section 8, must LB 155 be taken in pari materia with other statutes before its true scope and import may be determined?

In pari materia means "upon the same matter or subject." Blacks Law Dictionary, Fourth Edition, 1968. The rule of in pari materia construction is that "all statutes relating to the same subject are considered parts of an homogeneous system; so, too, all statutes in pari materia must be taken together and construed as if they were one law and effect given to every provision." (citation omitted). Sun Insurance Company v. Aetna Insurance Company, 169 Neb. 94, 106, 107 (1959); Matzke v. City of Seward, 193 Neb. 211 (1975). Although there may be instances where the rule of in pari materia would apply to the construction of certain provisions of LB 155, Section 8 would seem to limit the rule's applicability since the statute purports to establish rights and remedies which are completely independent from those otherwise provided by law. "The rule of in pari materia construction does not permit the use of a previous statute to control the plain language of a subsequent statute or to add a restriction not included in or expressly excluded from the later statute." Sanitary and Improvement District No. 222 v. Metropolitan Life & Insurance Company, 201 Neb. 10, 15 (1978).

However, as before, it is difficult to fully address this question

without a particular example in mind. Our initial impression is that due to the independent nature of LB 155 and its applicability to a narrow group of cases involving nonconformity to warranty, there may be few cases where it could be found that there was a preexisting law on the same subject. Nevertheless, one cannot rule out entirely the possibility that in pari materia construction may be used at some time in the future to assist in the interpretation of some portion of the bill, as that portion may be on the same subject as the portion of a preexisting act. For instance, in First Federal Savings & Loan Association v. Department of Banking, 187 Neb. 562 (1971), the rule was used to consolidate the provisions of the Administrative Procedures Act with statutes relating to the regulation of savings and loan institutions. Should you have any specific instances in mind regarding this or your other questions, please advise our office if you would like a further consideration of the matter based upon those specifics.

3. Does the statutory scheme created by LB 155 create unacceptable uncertainty and vagueness?

"The established test for vagueness in a statute is whether it either forbids or requires that doing of an action in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application." State ex rel. Douglas v. Herrington, 206 Neb. 517, 521 (1980). We are of the opinion that LB 155, taken as a whole, would not be found unconstitutionally vague.

4. A. May other provisions of law (e.g., the Uniform Commercial Code) dealing with defective products, warranties and statutes of limitation be construed together with LB 155 and result in a basis for recovery which is broader than either LB 155 or other such provision(s) standing alone?

When you say "basis for recovery" we presume you mean the elements which will need to be proven in order to prevail on an action brought under LB 155. We can foresee of no cases where any of the necessary elements set forth in LB 155 could be eliminated by reference to preexisting statutory provisions. The definition of some of the less well-defined elements of proof under LB 155 or other statutory provisions, such as the Uniform Commercial Code (UCC), could conceivably be clarified by reference to the other, but the basis for recovery under either would not be altered.

B. Has a "statutory circle" been created? E.g., if the UCC were to provide that other pertinent laws apply in a given instance (including LB 155), and LB 155 (section 8) specifically disclaims limiting "any other law" bearing on consumer "rights or remedies", does LB 155, then, by its own terms render itself broader than its terms?

To answer your hypothetical question, if the UCC were to provide that LB 155 would apply in a given instance then it would have been enacted subsequent to LB 155. Consequently, there would be a

presumption that the Legislature was aware of the language of section 8 (School Dist. No. 17 v. State, 210 Neb. 762 (1982)), and intended to provide for an exclusive cause of action under LB 155 in cases where both the UCC and LB 155 might have otherwise applied but for the limiting provision.

If on the other hand the UCC were to provide that its provisions did not apply in cases where there was a more specific law relating to the rights and remedies of purchasers of certain goods not conforming to warranty, then one would be required to determine the order of adoption of the UCC limitation and Section 8 of LB 155. If the UCC provision was the later, then LB 155 would likely be the exclusive remedy (assuming no other rights and remedies were available to the consumer.) If Section 8 was more recent, then the purchaser would have a cause of action under both acts since the language of Section 8 clearly indicates that all preexisting rights and remedies are to remain intact.

5. The phrase "reasonable number of attempts" to repair a defect, without more, appears in section 3 on page 3, line 8. It also appears in section 4 on page 4, lines 1 and 2 dealing with the establishment of a presumption, but sets a number of "four or more" repair attempts. Section 3 is independent of section 4. Is it possible that the naked phrase as used in section 3 (considering particular factual circumstances, case law and "any other law") may be construed in such fashion as to require fewer than "four or more" repair attempts in order to cross the reasonable number of attempts" threshold?

Yes.

6. Don't the general terms of section 3 permit the making of a case without resort to the straitjacket provisions of section 4? In other words, if a consumer chooses not to rely on the presumption provision, isn't possible to make a case without establishing the specific items relative to number of repair attempts and number of days a vehicle may be out of service?

Yes.

7. A. Section 4, being a self-contained statutory scheme dealing exclusively with requirements for establishing a presumption, can its terms be applied to cancel out or supercede the less stringent notice requirements specified in section 2?

We do not believe so. Section 2 sets forth a duty to repair on the part of the manufacturer, its agent or its authorized dealer after the consumer "reports" the nonconformity to him. Section 4 addresses the creation of a presumption that a reasonable number of repair attempts have been made. It requires that written notice by certified mail be given to the manufacturer. Although the statute does not specify at what point in the chain of attempts to have one's motor vehicle repaired the consumer must furnish this notification, this giving of notice is clearly distinct from the reporting requirement of section 2.

B. Would such a restricting application be prohibited by section 8?

Section 8 has nothing to do with the foregoing determination.

8. That the consumer must allege "an opportunity to cure the defect" is found only in section 4 on page 4, line 21. Does the failure to mention it anywhere else in LB 155 mean that it need not be alleged if section 4 is not relied upon?

As you have pointed out, actions brought under section 2 and section 3 of LB 155 do not specifically require the consumer to allege that the manufacturer, its agent or its authorized dealer has been given "an opportunity to cure the defect." However, one of the allegations required for actions brought under section 3 is that the manufacturer, agent or dealer has been unable to repair the motor vehicle "after a reasonable number of attempts." This allegation would appear to include within its terms that at least one opportunity to cure the defect has been given. Although a consumer would be well advised to include an allegation that an opportunity to cure the defect was given as this is certainly implied in the statute, it is not expressly required by that section and it possibly could be left up to the defendant to prove that no opportunity to repair was given.

9. Section 5 purports to establish a procedure for "informal dispute settlement" the use of which is optional for manufacturers but mandatory for consumers. In other words, if a manufacturer decides to participate in the scheme, the aggrieved consumer is compelled, under pain of losing all right to sue, to resort to it.

Is such a requirement constitutional — especially when, if taken in conjunction with the specified statute of limitations, a person may be foreclosed from suing as a direct result of complying with mandatory provisions of the law itself?

We see no constitutional problems with the requirement that a consumer first resort to the informal dispute settlement procedure prior to proceeding under the provisions of LB 155. First, the consumer does not lose all rights to sue, as your question indicates. Provisions of other laws on the subject would still be available to the consumer. Additionally, no right arises under section 3 of LB 155 until the consumer resorts to the settlement procedure. The fact that a manufacturer is not required to establish or participate in such a procedure would only result in a consumer with that manufacturer's product not having to resort to the procedure before bringing an action under section 3 of LB 155. In this way the law encourages manufacturers to bear the expense of establishing or participating in informal settlement procedures, without going so far as mandating that settlement procedures be adopted.

Additionally, we do not believe a statute of limitations problem would be created on account of the requirement that a consumer first resort to an informal settlement mechanism, if available. It is not

necessary to consider the question of whether the problem you perceive would rise to constitutional magnitude since we are of the opinion that the statute of limitations would not run during the time the consumer was resorting to the mandatory informal settlement procedures.

> Statutes of limitations are statutes of repose and they are enacted upon the presumption that one having a well-founded claim will not delay enforcing it beyond a reasonable time if he has the right to proceed. But the basis of the presumption is gone whenever the ability to resort to the courts has been taken away. The appellee having been restrained from proceeding further by a paramount authority, the period thereof should not be considered in computing the time for the statute of limitations to run and therefore none of its rights have been barred thereby.

Lincoln Joint Stock Land Bank v. Barnes, 143 Neb. 58, 65 (1943), cert. denied 320 U.S. 781.

Therefore, if the case should ever arise where the consumer had exceeded the time for bringing actions set by section 6 of LB 155 on account of being involved in the required settlement proceeding, the court would most likely allow additional time for the consumer to file.

10. If "any other law" relative to statutes of limitation were to provide a longer period of time in which to bring action for recovery under express warranties than does LB 155 — i.e., page 2, lines 21 - 24, for example — would that longer period prevail, in the light of section 8 which declares, "Nothing in this act shall in any way limit the rights or remedies which are otherwise available to a consumer under any other law?

We assume by this that you are asking whether a law providing a longer statute of limitations may be applicable to actions brought pursuant to the provisions of LB 155 on account of the language of section 8. We think not. As we previously indicated, section 8 is merely an expression of an intent to leave intact consumer rights and remedies provided by the other laws. It does not give a consumer the ability to pick and chose from various statutes those sections which are beneficial while disregarding the rest. Section 6 of LB 155 makes it clear that actions brought under the act are subject to the Statute of Limitations contained therein.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mark D. Starr
Assistant Attorney General

MDS:pjs
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 140A. By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 140, Eighty-eighth Legislature, First Session, 1983.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 565 in the Journal. No objections. So ordered.

AM1015

1. On page 3, line 19, strike "Correspondence" and insert "Upon request by a member of the Legislature filed with the Clerk of the Legislature and available for public inspection, correspondence"; and in line 20 strike "a" and insert "such".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 213 and 213A.

(Signed) Rod Johnson, Chairperson

SELECT FILE

LEGISLATIVE BILL 64. Considered.

Mr. Newell requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 27 ayes, 9 nays, 7 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 170. E & R amendments, AM5101, found in the Journal on page 1325 for the Fifty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 375. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 536. E & R amendment, AM5089, found in the Journal on page 1304 for the Fifty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 94. E & R amendment, AM5091, found in the Journal on page 1305 for the Fifty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 173. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 476. E & R amendments, AM5088, found in the Journal on page 1305 for the Fifty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 538. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 207. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 463. E & R amendments, AM5095, found in the Journal on page 1306 for the Fifty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 369. E & R amendments, AM5093, found in the Journal on page 1306 for the Fifty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 225. Mr. Hannibal renewed his pending motion found in the Journal on page 1276 to indefinitely postpone.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Carsten asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

Speaker Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 8 nays, and 15 not voting.

Mr. Hannibal moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The Hannibal motion to indefinitely postpone lost with 17 ayes, 17 nays, 8 present and not voting, and 7 excused and not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Hefner requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 24:

Abboud	Barrett	Beutler	Beyer	Chronister
DeCamp	Fenger	Goll	Goodrich	Hefner
Johnson, L.	Johnson, R.	Kahle	Labedz	Lamb
Landis	Peterson, H.	Peterson, R.	Remmers	Rupp
Von Minden	Wagner	Warner	Wesely	

Voting in the negative, 16:

Chambers	Clark	Eret	Hannibal	Jacobson
Johnson, V.	Kilgarin	Lundy	Morehead	Newell
Nichol	Pappas	Sieck	Vickers	Wiitala
Withem				

Present and not voting, 1:

Fowler

Absent and not voting, 1:

Higgins

Excused and not voting, 7:

Carsten	Cullan	Haberman	Hoagland	Marsh
Pirsch	Schmit			

Failed to advance to E & R for Engrossment with 24 ayes, 16 nays, 1 present and not voting, 1 absent and not voting, and 7 excused and not voting.

VISITORS

Visitors to the Chamber were 8 sixth grade students and teacher from Sterling; and 18 seniors and sponsor from Fairmont High School.

ADJOURNMENT

At 4:58 p.m., on a motion by Mr. Barrett, the Legislature adjourned until 9:00 a.m., Thursday, April 7, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-NINTH DAY - APRIL 7, 1983

LEGISLATIVE JOURNAL

FIFTY-NINTH DAY - APRIL 7, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 7, 1983

Pursuant to adjournment, the Legislature met at 9:03 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Robert E. Stevenson, Pastor of Adams Presbyterian Church, Adams, Nebraska.

ROLL CALL

The roll was called and all members were present except Mesdames Marsh and Pirsch who were excused; and Messrs. Cullan, V. Johnson, Newell, Schmit, Wesely, and Mrs. Higgins who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1339, line 9, strike "First" and insert "Final".
Page 1339, strike line 10 and insert "The following bill was read and put upon final passage:".
The Journal for the Fifty-Eighth Day was approved as corrected.

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 396 in the Journal. No objections. So ordered.

AM0321
1. Strike the original sections and insert the following new sections:
"Section 1. That section 77-3506, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
77-3506. (1) All homesteads in this state

shall be assessed for taxation the same as other property, except that there shall be exempt from taxation ~~(a)~~ the first ten thousand dollars ~~twenty-five per cent~~ of the actual value of any homestead. ~~having an actual value of fifteen hundred dollars or less and (b) the first twenty per cent of the first four thousand dollars of the actual value of any homestead having an actual value in excess of fifteen hundred dollars.~~

(2) The actual value exemption in ~~percentages in subdivisions (a) and (b) of~~ subsection (1) of this section shall be increased to twelve thousand dollars ~~fifty and forty-five, respectively,~~ in the case of any veteran as defined in section 80-401.01, for the year in which such veteran reaches seventy years of age and for each subsequent year, or the unremarried widow or widower of any such veteran or the husband or wife of any such veteran when the veteran is not the owner.

Sec. 2. That original section 77-3506, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Mr. Schmit asked unanimous consent to print the following amendment to LB 503 in the Journal. No objections. So ordered.

AM1033

1. On page 1, line 5 after the semicolon insert "to provide an operative date;".

2. On page 2, lines 7 and 8, line 13, line 19; page 3, line 1, lines 6 and 7, lines 11 and 12, line 17; and page 4, line 8, strike "Economic Development" and insert "Roads".

3. Insert the following new section:

"Sec. 3. This act shall become operative on September 30, 1984.".

4. Renumber remaining section accordingly.

Mr. Vickers asked unanimous consent to print the following amendment to LB 533 in the Journal. No objections. So ordered.

AM1044

1. Strike the original sections and insert the following new sections:

"Section 1. (1) The Board of Regents of the University of Nebraska is hereby authorized to enter into an agreement with an existing college of veterinary medicine to admit as students in such college of veterinary medicine not less than forty students from

the University of Nebraska.

(2) In addition to admitting students as prescribed in subsection (1) of this section, the agreement between the University of Nebraska and an existing college of veterinary medicine shall provide that:

(a) The University of Nebraska shall have joint responsibility for establishing policies in matters of curriculum, academic standards, student admissions, and conduct of the program; and

(b) All students enrolled at such college of veterinary medicine shall participate in teaching clinics in Nebraska for a portion of their final year of study.

(3) Pursuant to subdivision (2)(b) of this section, the teaching clinics in Nebraska shall be established at North Platte and Lincoln utilizing to the greatest extent possible existing equipment and facilities at those sites.

Sec. 2. That sections 85-180.01 to 85-180.11, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 476A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 476, Eighty-eighth Legislature, First Session, 1983; and to declare an emergency.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 84. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

Appropriations

LEGISLATIVE BILL 255. Placed on General File.

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Wesely asked unanimous consent to have his name added as co-introducer to LB 571. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 54. Read. Considered.

LR 54 was adopted with 34 ayes, 0 nays, and 15 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 565. Placed on Select File.

LEGISLATIVE BILL 620. Placed on Select File as amended.
E & R amendments to LB 620:
AM5105

1. On page 1, line 3, strike "and"; and in line 4 after "section" insert "; and to declare an emergency".
2. On page 2, line 1, after "2" insert a comma.

(Signed) Rod Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 263. Title read. Considered.

Standing Committee amendment, AM0716, found in the Journal on page 937 for the Forty-Third Day 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 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 266. Title read. Considered.

Standing Committee amendment, AM0714, found in the Journal on page 937 for the Forty-Third 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 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 617. Title read. Considered.

Standing Committee amendments, AM0848, found in the Journal on page 1171 for the Fifty-Second Day were considered.

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

Miss Kilgarin and Mrs. Morehead offered the following amendment to the Standing Committee amendments:

On page 6 of the Committee amendments, before the period in line 23, insert "; before the semicolon in line 13, insert ", except the fee for two or more copies of a death certificate shall be three dollars for each copy".

The amendment was adopted with 19 ayes, 6 nays, 18 present and not voting, and 6 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Haberman requested a record vote on the Standing Committee amendments, as amended.

Voting in the affirmative, 25:

Barrett	Beyer	Carsten	Chambers	Fenger
Goll	Goodrich	Hannibal	Higgins	Johnson, L.
Johnson, V.	Kahle	Kilgarin	Landis	Lundy
Morehead	Newell	Nichol	Pappas	Peterson, H.
Rupp	Sieck	Vickers	Wagner	Warner

Voting in the negative, 8:

Abboud	Chronister	Clark	Eret	Haberman
Jacobson	Johnson, R.	Remmers		

Present and not voting, 10:

Beutler	Cullan	DeCamp	Fowler	Hefner
Hoagland	Lamb	Peterson, R.	Von Minden	Withem

Excused and not voting, 6:

Labedz	Marsh	Pirsch	Schmit	Wesely
Wiitala				

The Standing Committee amendments, as amended, were adopted with 25 ayes, 8 nays, 10 present and not voting, and 6 excused and not voting.

Mr. Warner renewed the pending Appropriations Committee amendment, AM0983, found in the Journal on page 1296.

The amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Warner renewed the pending Appropriations Committee amendment, AM0985, found in the Journal on page 1296.

The amendment was adopted with 25 ayes, 0 nays, 18 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. Chambers offered the following amendment:

P. 8, lines 20-24 Strike beginning with "except" in line 20 through "adherent." in line 24. —and wherever such language may appear in LB 617.

The amendment was adopted with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 26 ayes, 5 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 468. Title read. Considered.

Standing Committee amendments, AM0731, found in the Journal on page 961 for the Forty-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 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 498. Title read. Considered.

Standing Committee amendments, AM0921, printed separate from the Journal and referred to on page 1222 for the Fifty-Fourth Day were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Fenger asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 264. Title read. Considered.

Standing Committee amendments, AM0990, found in the Journal on page 1312 for the Fifty-Seventh 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 268. Title read. Considered.

Standing Committee amendments, AM0979, found in the Journal on page 1315 for the Fifth-Seventh 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 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 618. Title read. Considered.

Standing Committee amendments, AM0991, found in the Journal on page 1317 for the Fifty-Seventh Day were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 3 nays, 15 present and not voting, and 6 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 607. Title read. Considered.

Standing Committee amendments, AM0989, found in the Journal on page 1316 for the Fifty-Seventh 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, 3 nays, 15 present and not

voting, and 6 excused and not voting.

LEGISLATIVE BILL 192. Title read. Considered.

Standing Committee amendments, AM0484, found in the Journal on page 702 for the Thirty-Fifth Day were considered.

Mr. Carsten renewed his pending amendment, AM1028, to the Standing Committee amendments, found in the Journal on page 1342.

The Carsten amendment was adopted with 22 ayes, 0 nays, 22 present and not voting, and 5 excused and not voting.

Mr. Warner offered the following amendment to the Standing Committee amendments:

Strike lines 3 through the word "matter" in line 10.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman requested a record vote on the Warner amendment.

Voting in the affirmative, 10:

Beutler	Clark	Fowler	Johnson, L.	Kahle
Landis	Morehead	Nichol	Warner	Wesely

Voting in the negative, 28:

Abboud	Barrett	Beyer	Carsten	Chronister
Cullan	Eret	Fenger	Goll	Goodrich
Haberman	Hannibal	Hefner	Hoagland	Jacobson
Johnson, R.	Johnson, V.	Kilgarin	Lundy	Pappas
Peterson, H.	Peterson, R.	Remmers	Rupp	Vickers
Von Minden	Wiitala	Withem		

Present and not voting, 7:

Chambers	DeCamp	Higgins	Labedz	Newell
Sieck	Wagner			

Excused and not voting, 4:

Lamb	Marsh	Pirsch	Schmit

The Warner amendment to the Standing Committee amendments lost

with 10 ayes, 28 nays, 7 present and not voting, and 4 excused and not voting.

Mr. Warner offered the following amendment to the Standing Committee amendments:

In the reinstated language on Pg. 4 line 9 strike "July 1, 1983" and insert "July 1, 1984".

The amendment lost with 10 ayes, 21 nays, 15 present and not voting, and 3 excused and not voting.

Messrs. Clark and Wiitala asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely requested a division of the question on the Standing Committee amendments.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:

1. On page 2, line 9, reinstate "(1)" and after the reinstated "(1)" insert "until May 1, 1985,"; in line 15 strike the new matter and reinstate the stricken matter and after the reinstated "(2)" insert "on or after May 1, 1985,"; reinstate the stricken matter beginning with "fifteen" in line 16 through line 18; reinstate the stricken matter beginning with the second "fifteen" in line 19 through the period in line 21; in line 22 before the stricken "the" insert "Until May 1, 1985," and reinstate "the proceeds of thirteen"; in line 23 strike "Thirteen"; in line 24 strike the period and insert "and on or after May 1, 1985, the"; and reinstate the stricken matter in lines 25 and 26.

The first Standing Committee amendment lost with 2 ayes, 25 nays, 17 present and not voting, and 5 excused and not voting.

The second Standing Committee amendment is as follows:

2. On page 4, in lines 8 through 12 strike the new matter and reinstate the stricken matter.

3. Strike original section 2 and insert the following new section:

"Sec. 2. That section 81-641, Revised Statutes Supplement, 1982, be amended to read as follows:

81-641. Beginning July 1, 1983, ~~the revenue~~

~~derived from one cent of the cigarette tax imposed by sections 77-2602 and 77-2616 shall be placed in~~ the Cancer Research and Registry Fund~~, which fund~~ is hereby created. Such fund shall be used for funding (1) sections 81-637 to 81-640, (2) the University of Nebraska Eppley Institute for Research in Cancer and Allied Diseases, (3) sections 81-642 to 81-650, and (4) for associated administrative expenses of the Department of Health. Any money in such fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.".

4. On page 5, strike beginning with "section" in line 7 through "section" in line 8 and insert "sections"; and after "77-2602" insert "and 81-641".

The second Standing Committee amendment was adopted with 25 ayes, 6 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 34 ayes, 1 nay, 9 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Fenger asked unanimous consent to print the following amendment to LB 476 in the Journal. No objections. So ordered.

AM1031

(Amendments to AM0566)

1. On page 4, line 16, strike "three" and insert "four"; and strike beginning with "who" in line 16 through "pharmacist" in line 18 and insert ", one of whom practices within the confines of a hospital".

2. On page 20, line 14, after "month" insert "licensure"; and strike beginning with "preceding" in line 15 through "1986" in line 16 and insert "pursuant to section 9 of this act".

3. On page 30, line 10, strike "subsection (1) of this section" and insert "section 71-1,147.01"; and in line 24 strike "subsection (1) of this section" and insert "section 71-1,147.01".

Mr. Hannibal asked unanimous consent to print the following amendment to LB 617 in the Journal. No objections. So ordered.

To strike the Morehead-Kilgarin amendment to LB 617, adopted on General File on April 7, 1983.

VISITORS

Visitors to the Chamber were 90 students and teachers from Mt. Clair School, Omaha; Ruth Malone, Marge Christie, Elaine Hitchler, Donna Neu, and Nancy Armbrust from Elkhorn; Rev. Lawrence McNamara from Grand Island; 30 seniors and instructor from North Loup-Scotia; 39 eighth grade students, teacher, and sponsors from Holy Ghost School, Omaha; and 22 students and teacher from Nebraska Christian School, Central City.

RECESS

At 12:06 p.m., on a motion by Mr. Lundy, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m, President McGinley presiding.

ROLL CALL

The roll was called and all members were present except Mesdames Marsh, Pirsch, and Mr. Withem who were excused; and Mesdames Higgins, Morehead, Messrs. Carsten, Chambers, Chronister, Fenger, V. Johnson, Landis, Newell, R. Peterson, and Schmit who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 356. Title read. Considered.

Standing Committee amendments, AM0559, printed separate from the Journal and referred to on page 1170 for the Fifty-Second Day were considered.

Mr. Cullan offered the following amendment to the Standing Committee amendments:
AM1048

(Amendments to Standing Committee Amendments)

1. On page 12, strike lines 23 through 26.

2. On page 13, strike lines 1 through 3; in line 4 strike "(34)" and insert "(33)"; and in line 18 strike "(35)" and insert "(34)".

3. On page 26, line 1, strike beginning with "to" in line 1 through "better" in line 2; and in line 17 after the second "the" insert "direct".

4. On page 27, strike beginning with "to" in line 11 through "better" in line 12; in line 13 after "for" insert "the"; in line 15 after "for" insert "issuance of"; in line 16 strike "testing" and insert "development"; strike beginning with "procedure" in line 16 through line 18 and insert "which authorizes construction and operation of a pilot plant by the permittee for the purpose of demonstrating the permittee's ability to inject and restore in a manner which meets the standards required by subsection (9) of this section and the rules and regulations adopted pursuant to such subsection."; in line 20 strike "a mineral production" and insert "issuance of a commercial"; in line 21 strike "to be issued only"; in line 23 strike "testing" and insert "development"; in line 26 strike "outlined in" and insert "required by" and after "section" insert "and the rules and regulations adopted pursuant to such subsection"; and after line 26 insert the following new subdivision:

" (e) For the purpose of subsection (9) of this section, unless the context otherwise requires, restoration shall mean the employment, during and after an activity, of procedures reasonably designed to control, minimize, and eliminate hazards to humans, animals, and the environment, to protect the public health and welfare and air, land, water, and subsurface resources, and to return each resource to a quality of use consistent with the uses for which the resource was suitable prior to the activity.".

5. On page 49, after line 14, insert:

" The department shall adopt and promulgate rules and regulations authorized by the amendments made by LB 356, Eighty-eighth Legislature, First Session, to subsection (9) of section 81-1505 within one hundred twenty days of the operative date of this section. All requirements of the Environmental Protection Act shall apply to any permit application regardless of the date of submission, except that the department shall continue to diligently process any application submitted prior to the operative date of this section.".

6. On page 50, line 22, strike "five" and insert "two"; and in line 23 after "uranium" insert "produced each year in excess of ten million dollars gross value".

SPEAKER NICHOL PRESIDING

The Cullan amendment was adopted with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

Mr. DeCamp offered the following amendment to the Standing Committee amendments:

In Cullan amendment page 3 - line 2 - Strike "ten" & Insert "5" (five)

The amendment was adopted with 23 ayes, 0 nays, 16 present and not voting, and 10 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 26 ayes, 3 nays, 11 present and not voting, and 9 excused and not voting.

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 395. Mr. Hefner asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 198. Title read. Considered.

Standing Committee amendments, AM0826, found in the Journal on page 1080 for the Forty-Ninth Day were considered.

Mr. Kahle renewed his pending amendment, AM1014, found in the Journal on page 1350.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

The Kahle amendment was adopted with 17 ayes, 8 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Lamb renewed his pending amendment found in the Journal on page 1230.

The amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Wesely offered the following amendment:
(Amendment on file in the Clerk's Office - AM0951.)

Mr. Sieck requested a ruling of the Chair on whether the Wesely amendment is germane to the bill.

The Chair ruled the amendment not germane to the bill.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 426A. By Beutler, 28th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 426, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 539A. By Carsten, 2nd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 539, Eighty-eighth Legislature, First Session, 1983; and to declare an emergency.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 26, 133, 199A, 200, 200A, 204, 204A, 234, and 506.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 26

The following changes, required to be reported for publication in the Journal, have been made:

ER0038

1. On page 1, line 6, after the semicolon "to provide severability;" has been inserted.

Enrollment and Review Change to LB 133

The following changes, required to be reported for publication in the Journal, have been made:

ER0040

1. On page 1, line 2, after the second comma "and section 53-123.03, Revised Statutes Supplement, 1982," has been inserted; in line 3, after the semicolon "to change provisions relating to certain licenses;" has been inserted; and in line 4 "section" has been stricken and "sections" inserted.

2. In lieu of the Hefner amendment 1 adopted March 30, 1983, the following section has been inserted:

"Section 1. That section 53-123.03, Revised Statutes Supplement, 1982, be amended to read as follows:

53-123.03. A beer distributor's license shall allow the wholesale purchase, importation, and storage of beer and sale, including delivery, of the brand or brands described in such license to licensees in this state in the sales territory prescribed in the license for each brand, and to such persons without the state as may be permitted by law; and shall allow the licensee to do all things incident to the carrying on of the wholesale beer business. The license shall designate the territory within which the licensee may sell the designated product of any brewer as agreed upon by the licensee and the brewer.".

3. On page 10, line 21 "is" has been stricken and "and section 53-123.03, Revised Statutes Supplement, 1982, are" has been inserted.

Enrollment and Review Change to LB 200

The following changes, required to be reported for publication in the Journal, have been made:

ER0041

1. On page 1, line 2, "and" has been stricken; and in line 3 after "duties" "; and to declare an emergency" has been inserted.

Enrollment and Review Change to LB 200A

The following changes, required to be reported for publication in the Journal, have been made:

ER0042

1. On page 1, line 3, after "1983" "; and to declare an emergency" has been inserted.

2. The new section added by the Schmit amendment has been numbered as "Sec. 2.".

Enrollment and Review Change to LB 506

The following changes, required to be reported for publication in the Journal, have been made:
ER0039
1. The Haberman amendment adopted March 30, 1983, has been stricken.

(Signed) Tristi J. Wilson
E & R Attorney

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

The Nebraska Retirement Systems Committee, in executive session, voted to recommend that the Legislature confirm the following appointments to the Public Employee Retirement Board: Phil Kaldahl, Alcurtis Robinson, Jean Jeffrey, T. J. "Tom" Lynch, Everett Green, Harold Salter.

Senator Warner moved, and Senator Schmit seconded that the above be recommended for confirmation. Voting aye were Senators Fowler, Schmit, Vickers, Warner, and Wesely. Absent and not voting was Senator Goodrich.

(Signed) Steve Fowler, Chairperson

MOTION - Override Governor's Veto on LB 134

Mr. Pappas moved that LB 134 become law, notwithstanding the objection of the Governor.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 198. Mr. Wesely offered the following amendment:
AM1020
1. On page 3, strike beginning with the period in line 5 through "Legislature" in line 14 and insert "and"; in line 16 after "water" insert an underscored period; and strike beginning with "and" in

line 16 through line 27.
2. On page 4, strike lines 1 through 8.
3. Strike original sections 2 to 23.
4. Strike the Standing Committee amendments.

PRESIDENT MCGINLEY PRESIDING

Mr. Wagner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Wesely amendment lost with 8 ayes, 19 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Kahle asked unanimous consent to withdraw his pending amendment found in the Journal on page 1275. No objections. So ordered.

Mr. Vickers offered the following amendment:

On page 1 line 10 of the Kahle amendment strike "benefitted" and insert "irrigated by mechanical withdrawal";

On page 17 lines 20 and 21 of the bill strike "or otherwise benefits from"

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

The Vickers amendment was adopted with 28 ayes, 1 nay, 13 present and not voting, and 7 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Cullan asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 371. Mrs. Labedz offered the following amendment to the Standing Committee amendment:

(Amendments to the Standing Committee Amendments)

1. In the Standing Committee Amendments on page 717 of the Journal, on page 2, strike beginning with the second "13" in line 11 through the last quotation mark in line 12 and insert "7"; and strike

lines 15 through 17.
On page two, strike beginning with the semi-colon in line 19 through the last quotation mark in line 21.

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 until he returns. No objections. So ordered.

Mr. Hoagland renewed his pending amendment, AM0692, found in the Journal on page 1005 to the Standing Committee amendment.

Mr. Hannibal asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hoagland amendment was adopted with 17 ayes, 5 nays, 20 present and not voting, and 7 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 28 ayes, 3 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Beutler offered the following amendment:
Strike the Hoagland amendment to the standing amendments.

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 Beutler amendment was adopted with 25 ayes, 9 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 371A. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 1 nay, 15 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. L. Johnson asked unanimous consent to be excused for the day, Friday, April 8, 1983. No objections. So ordered.

VISITORS

Visitors to the Chamber were 10 students and instructor from Hastings Senior High School; 23 students and attendants from Doniphan; Rodney Anderson and Stan Meyer from Geneva; 45 fourth grade students and teachers from Howard Elementary School, Grand Island; 11 students and teacher from Albion; and 50 fourth grade students and teachers from Central and West Schools, Fairbury.

ADJOURNMENT

At 4:50 p.m., on a motion by Mr. Wiitala, the Legislature adjourned until 9:00 a.m., Friday, April 8, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTIETH DAY - APRIL 8, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 8, 1983

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Rev. Ruth Moorer, Pastor of United Methodist Church, Union, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Cullan, L. Johnson, and Mrs. Pirsch who were excused; and Messrs. Chambers, Clark, Haberman, Newell, Schmit, Vickers, Wagner, Wiitala, Miss Kilgarin, and Mrs. Morehead 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 237. Placed on Select File as amended.
E & R amendments to LB 237:
AM5106

1. On page 6, line 6, after "duty" insert a comma.
2. On page 8, line 10, strike the first and second comma.
3. On page 9, lines 19 and 20, strike "lump sum" and insert "lump-sum".
4. On page 10, line 27, strike "Officer" and insert "officer".

LEGISLATIVE BILL 624. Placed on Select File as amended.

E & R amendment to LB 624:
AM5107
1. In the Vickers amendment, page 1294 of the Journal, line 4, strike "be published" and insert a comma; in line 5 after the comma insert "be published"; in line 6 after "or" insert "be sent" and strike "of the notice"; and in line 7, strike "community" and insert "school district".

LEGISLATIVE BILL 396. Placed on Select File as amended.
E & R amendments to LB 396:
AM5108
1. On page 1, line 5, after the semicolon insert "to provide an operative date;".
2. In the Carsten amendment, line 2, strike "9" and insert "7".
3. On page 6, line 12, strike "7" and insert "8"; and in line 16, strike "8" and insert "9".

LEGISLATIVE BILL 180. Placed on Select File as amended.
E & R amendments to LB 180:
AM5109
1. On page 1, line 1, after the semicolon insert "to amend section 47-301, Reissue Revised Statutes of Nebraska, 1943, and sections 23-2810 and 23-2811, Revised Statutes Supplement, 1982;"; and in line 4 strike "and to declare an emergency" and insert "to change a provision relating to sentence reduction as prescribed; to harmonize provisions; and to repeal the original sections".
2. In the Standing Committee Amendments, on page 2, line 18, strike "(1)" and insert "(a)"; in line 19 strike "(2)" and insert "(b)"; in line 21 strike "(3)" and insert "(c)"; in line 22 strike "(4)" and insert "(d)" and strike "(5)" and insert "(e)"; and in line 23 strike "(6)" and insert "(f)".

LEGISLATIVE BILL 272. Placed on Select File.

(Signed) Rod Johnson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 55. Read. Considered.

LR 55 was adopted with 26 ayes, 0 nays, and 23 not voting.

GENERAL FILE

LEGISLATIVE BILL 263A. Title read. Considered.

Mr. Goodrich moved to indefinitely postpone LB 263A.

The Goodrich motion prevailed with 29 ayes, 0 nays, 7 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 266A. Title read. Considered.

Mr. Goodrich moved to indefinitely postpone LB 266A.

The Goodrich motion prevailed with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 73A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 4 nays, 7 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 234A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 259A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 503A. 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.

MOTION - Override Governor's Veto on LB 134

Mr. Pappas renewed his pending motion found in the Journal on page 1385 to pass LB 134, notwithstanding the objections of the Governor.

Miss Kilgarin moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 2 nays, and 24 not voting.

Mr. Beutler 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. Pappas moved for a Call of the House. The motion prevailed with

22 ayes, 0 nays, and 27 not voting.

Mrs. Higgins requested a roll call vote on the Pappas motion.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 18:

Beyer	Chronister	Eret	Fenger	Fowler
Goll	Higgins	Johnson, R.	Kilgarin	Labedz
Landis	Marsh	Newell	Pappas	Peterson, R.
Rupp	Sieck	Vickers		

Voting in the negative, 26:

Abboud	Barrett	Beutler	Carsten	Clark
DeCamp	Goodrich	Haberman	Hannibal	Hefner
Hoagland	Jacobson	Johnson, V.	Kahle	Lamb
Lundy	Morehead	Nichol	Peterson, H.	Remmers
Schmit	Von Minden	Wagner	Warner	Wesely
Withem				

Excused and not voting, 5:

Chambers	Cullan	Johnson, L.	Pirsch	Wiitala

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

The Chair declared the Call raised.

MOTION - Place LB 117 on General File

Mr. Sieck moved to place LB 117 on General File pursuant to Rule 3, Section 18(b).

Laid over.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 7, 1983. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Ayres, Joseph W. - Lincoln, American Totalisator Company
Graham, M. J. "Bub" - Lincoln, Retail Merchants Association of Nebraska, Inc., (Withdrawn 4-1-83)
Langland, Karen E. - Council Bluffs, IA, Peoples Natural Gas Company
Ryan, James E. - Lincoln, Kansas-Nebraska Natural Gas Company, Inc.
Thompson, Kirstin D. - New York, NY, Philip Morris Incorporated
Wells, Angela Susan - Kearney, Kearney State College, Student Senate
Withem, Ronald E. - Omaha, Mechanical Contractors Association of Omaha, (withdrawn 4-1-83)

NOTICE OF COMMITTEE HEARING
Public Health and Welfare

Governor's appointments, Monday, April 18, 1983 1:00 p.m.
State Board of Health
John J. Clark
Dr. Robert J. Hilkemann
Robert A. Rohling
Dr. Wade W. Nyquist
Dr. Robert Rosenlof
Julie Brown Arfmann
Mrs. Phyllis Haberman

(Signed) George Fenger, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM1059

1. Insert the following new section:
"Sec. 2. That section 42-358.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
42-358.07. ~~Any~~ When the county attorney has reason to believe that the clerk of the district court ~~who fails~~ has failed to perform his or her duties under the provisions of ~~section~~ sections 42-358 ~~or sections 42-358.01~~ to 42-358.07 and 42-371, the county attorney shall petition the district court in which such clerk serves to hold a hearing to determine the sufficiency of the allegations. The district court shall advise the

clerk in writing of the specific charges which have been made and the clerk shall be given reasonable time in which to formally answer such charges in writing. The clerk shall have an opportunity to produce at such hearing, testimony, evidence, and documents relating to the charges involved. If the district court determines that the clerk has failed to perform his or her duties under the provisions of sections 42-358 to 42-358.07 or section 42-371, such clerk shall be ordered removed from office. ~~shall be removed from office after conviction for such offense.~~".

2. Renumber the remaining sections accordingly.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 122 in the Journal. No objections. So ordered.

AM1049

(Amendments to the Standing Committee amendments)

1. On page 1, strike lines 12 and 13; in line 14 strike "(2)" and insert "(1)"; in line 16 strike "(3)" and insert "(2)"; in line 19 strike "(4)" and insert "(3)"; and in line 22 strike "(5)" and insert "(4)".

2. On page 2, line 4, strike "(6)" and insert "(5)"; strike beginning with "Director" in line 9 through "Office" in line 10 and insert "Attorney General"; in lines 12 and 14 strike "director" and insert "Attorney General"; strike beginning with "sections" in line 13 through "of" in line 14; and in line 18 strike beginning with the first "sections" through "of".

3. On page 4, line 17, after "office" insert "of the Attorney General".

4. On page 5, line 19, and page 6, lines 1 and 8, strike "office" and insert "Attorney General".

5. On page 5, line 24, and page 6, line 19, strike "office" and insert "intervenor and associated staff".

6. On page 6, line 18, strike "State Energy Office" and insert "office of the Attorney General".

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 43.

A BILL FOR AN ACT to amend sections 84-1409, 84-1410, 84-1411, 84-1412, and 84-1414, Reissue Revised Statutes of Nebraska, 1943, relating to public meetings; to redefine terms; to change provisions relating to closed sessions; to provide duties for public bodies conducting public meetings; to provide restrictions and remedies; 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	DeCamp	Eret	Fenger	Fowler
Goll	Goodrich	Hannibal	Higgins	Hoagland
Johnson, R.	Johnson, V.	Kilgarin	Labedz	Lamb
Landis	Marsh	Morehead	Newell	Nichol
Peterson, H.	Peterson, R.	Remmers	Rupp	Schmit
Vickers	Warner	Wesely	Withem	

Voting in the negative, 10:

Clark	Haberman	Hefner	Jacobson	Kahle
Lundy	Pappas	Sieck	Von Minden	Wagner

Excused and not voting, 5:

Chambers	Cullan	Johnson, L.	Pirsch	Wiitala

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 308.

A BILL FOR AN ACT to amend sections 16-104 and 16-302.01, Revised Statutes Supplement, 1982, relating to cities of the first class; to change the provisions relating to number of wards of a first-class city; to change provisions relating to the election of council members; 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:

Abboud	Barrett	Beutler	Beyer	Carsten

Chronister	Clark	DeCamp	Eret	Fenger
Fowler	Goll	Goodrich	Haberman	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Marsh	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Remmers
Rupp	Schmit	Vickers	Von Minden	Wagner
Wesely	Withem			

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Sieck	Warner

Excused and not voting, 4:

Cullan	Johnson, L.	Pirsch	Wiitala

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 362. With Emergency.

A BILL FOR AN ACT relating to metropolitan utilities districts; to authorize such districts to establish and participate in certain conservation and weatherization programs; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Lamb
Landis	Lundy	Marsh	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Withem	

Voting in the negative, 0.

Present and not voting, 1:

Labedz

Excused and not voting, 4:

Cullan Johnson, L. Pirsch Wiitala

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 393 to Select File

Mr. Vickers moved to return LB 393 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Vickers asked unanimous consent to withdraw his pending motion to return LB 393. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 393.

A BILL FOR AN ACT to amend section 54-134, Reissue Revised Statutes of Nebraska, 1943, relating to livestock; to change the boundaries of the Nebraska brand inspection area 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:

Abboud	Carsten	Chronister	DeCamp	Eret
Goll	Goodrich	Hefner	Higgins	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Pappas	Peterson, H.	Peterson, R.
Remmers	Rupp	Schmit	Sieck	Von Minden
Warner				

Voting in the negative, 19:

Barrett	Beutler	Beyer	Chambers	Clark
Fenger	Fowler	Haberman	Hannibal	Hoagland
Jacobson	Marsh	Morehead	Newell	Nichol

Vickers	Wagner	Wesely	Withem

Excused and not voting, 4:

Cullan	Johnson, L.	Pirsch	Wiitala

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Member Excused

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT MCGINLEY PRESIDING

MOTION - Reconsider Action on LB 611

Mr. Chambers renewed his pending motion found in the Journal on page 1271 to reconsider the Warner motion to place LB 611 on General File notwithstanding the committee action.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

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

Voting in the affirmative, 20:

Beutler	Carsten	Clark	Fowler	Goodrich
Hannibal	Hoagland	Jacobson	Johnson, V.	Kahle
Kilgarin	Lamb	Landis	Lundy	Morehead
Newell	Von Minden	Wagner	Warner	Wesely

Voting in the negative, 16:

Abboud	Barrett	Beyer	Chambers	Chronister
Fenger	Goll	Hefner	Higgins	Johnson, R.
Labedz	Marsh	Pappas	Peterson, R.	Remmers
Rupp				

Present and not voting, 7:

Eret	Haberman	Peterson, H.	Schmit	Sieck
Vickers	Withem			

Excused and not voting, 6:

Cullan DeCamp Johnson, L. Nichol Pirsch
Wiitala

The Chambers motion lost with 20 ayes, 16 nays, 7 present and not voting, and 6 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 43, 308, 362, and 393.

GENERAL FILE

LEGISLATIVE BILL 610. Title read. Considered.

Standing Committee amendments, AM0644, found in the Journal on page 847 for the Forty-First 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 265. Title read. Considered.

Standing Committee amendments, AM0988, found in the Journal on page 1313 for the Fifty-Seventh Day were adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 220. Placed on General File as amended.
Standing Committee amendments to LB 220:
AM1058

1. Strike original sections 1 to 10.
2. Insert the following new sections:

"Section 1. The Legislature finds that the duties and responsibilities of volunteer fire departments and rescue squads in the State of Nebraska have become increasingly complex and that the needs of the various departments and squads across the state are dramatically different.

The Legislature recognizes that volunteer fire departments and rescue squads must encourage a high level of training and professionalism among their

volunteer personnel in order to respond to their increasingly complex responsibilities.

The Legislature recognizes the significant savings to taxpayers of the State of Nebraska due to volunteer fire departments and volunteer rescue squads and further recognizes that such volunteer public safety programs should be encouraged in communities which choose to have such programs.

The Legislature further finds that cities of the first and second class, villages, and rural and suburban fire protection districts should be permitted to analyze the needs of their local communities, specifically related to the recruiting, training, and retention of fire safety and rescue squad volunteers to serve such municipality or district, and should be granted the authority to design local option incentive programs specifically tailored to the needs of that community.

Sec. 2. The governing body of any city of the first or second class or village or of any fire protection district may establish incentive programs by ordinance or resolution for active volunteer members of a volunteer fire department or rescue squad. The incentive programs may include, but shall not be limited to, payment of deferred annuities which reward length of service and active participation; health, disability, and life insurance; reimbursement of costs incurred by volunteers during the line of duty; and other similar financial incentives for the volunteer members.

Sec. 3. Any incentive program which may be established pursuant to sections 1 to 5 of this act shall be wholly funded by the city, village, or district adopting such plan.

Sec. 4. No city with a paid fire department shall implement any incentive program for volunteer fire department or rescue squad personnel when the city maintains a retirement plan for paid firefighters pursuant to section 35-201 if such city's ratio of assets to actuarial accrued liabilities in its pension program, as determined by an evaluation by a member of the American Academy of Actuaries, is equal to or less than eighty per cent. Such a city may implement an incentive plan for its volunteers when the ratio of assets to liabilities for its paid firefighter's pension plan increases to more than eighty per cent.

Sec. 5. Any incentive program created by sections 1 to 5 of this act shall apply only to persons who are active members of the volunteer fire department

or rescue squad on or after the adoption of the program by the governing body.".

3. On page 12, line 10, strike "a pension"; and in line 11, strike "plan" and insert "an incentive program"; and strike "10" and insert "5".

4. On page 13, strike beginning with "make" in line 23 through "plan" in line 24 and insert "establish an incentive program for its volunteers pursuant to sections 1 to 5 of this act and may make payments for the costs of any such incentive program".

5. Renumber original sections 11 to 14 as sections 6 to 9 respectively.

(Signed) Steve Fowler, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 121. Placed on Select File.
LEGISLATIVE BILL 121A. Placed on Select File.

LEGISLATIVE BILL 142. Placed on Select File as amended.
E & R amendments to LB 142:
AM5110

1. On page 1, line 1, after "Act" insert "relating to chiropractic practice;" and strike "sections" and insert "section" and strike "81-197"; in lines 2 and 3, strike "relating to chiropractic practice" and insert "and section 81-197, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 413, Eighty-eighth Legislature, First Session, 1983"; in line 4 after the semicolon insert "and"; and strike beginning with the semicolon in line 5 through "emergency" in line 6.

2. On page 2, line 11, after the semicolon insert "or".

3. For purposes of correlation with section 1, LB 413, on page 3, line 2, after "1943," insert "as amended by section 1, Legislative Bill 413, Eighty-eighth Legislature, First Session, 1983,"; in line 4, strike "1982" and insert "1984"; in line 15 strike "sections" and insert "section" and strike "and 81-197"; and in line 16 after "1943," insert "and section 81-197, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 413, Eighty-eighth Legislature, First Session, 1983,".

4. In the DeCamp amendment, on page 1, line 9, strike "a" and insert "an underscored".

LEGISLATIVE BILL 533. Placed on Select File.

(Signed) Rod Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 267. Title read. Considered.

Standing Committee amendments, AM0992, found in the Journal on page 1314 for the Fifty-Seventh 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, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 271. Title read. Considered.

Standing Committee amendment, AM0715, found in the Journal on page 938 for the Forty-Third Day was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 410. Title read. Considered.

Standing Committee amendments, AM0895, found in the Journal on page 1164 for the Fifty-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 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 629. Title read. Considered.

Mr. Warner renewed the pending Appropriations Committee amendment found in the Journal on page 1297.

The amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Mr. V. Johnson asked unanimous consent to be excused for the

remainder of the day. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Fowler asked unanimous consent to print the following amendment to LB 237 in the Journal. No objections. So ordered.

AM1066

1. In the Standing Committee amendments page 2, line 4, after the first period insert "Employee contributions picked up shall be treated for all purposes of sections 1 to 19 of this act in the same manner and to the extent as employee contributions made prior to the date picked up.".

Mr. Fenger asked unanimous consent to print the following amendment to LB 122 in the Journal. No objections. So ordered.

AM1047

(Amendments to Standing Committee amendments)

1. On page 1, line 1, strike "2" and insert "1"; and in line 9, after "issues" insert "before the Federal Energy Regulatory Commission".

2. Strike sections 3 to 11 added by such amendment and insert the following new sections:

"Sec. 2. That section 57-705, Revised Statutes Supplement, 1982, be amended to read as follows:

57-705. All taxes~~,~~ levied by ~~the provisions of~~ sections 57-701 to ~~57-715,~~ 57-714 shall be paid to the Tax Commissioner. He or she shall pay to the State Treasurer all money so received. All sums of money received~~,~~ under ~~the provisions of~~ sections 57-701 to ~~57-715~~ 57-714 by the State Treasurer~~,~~ shall be placed by him or her in a fund to be known as the Severance Tax Fund. An appropriate amount, as determined by the Tax Commissioner, so placed in such fund shall be credited by the State Treasurer, upon the first day of each month, and shall inure to the Severance Tax Administration Fund, to be used for the expenses of administering the provisions of sections 57-701 to ~~57-715~~ 57-714. The balance of the Severance Tax Fund received from school lands shall be credited by the State Treasurer, upon the first day of each month, and shall inure to the Permanent School Fund as established in Article VII, section 7, of the Constitution of Nebraska. Of the balance of the Severance Tax Fund received from other than school lands prior to July 1,

1986, (1) five hundred thousand dollars annually shall be allocated to the Nebraska Energy Resource Fund, which is hereby created, and (2) the remainder shall be allocated to the School Weatherization Fund, which is hereby created. For fiscal years ~~1982-83,~~ 1983-84, 1984-85, and 1985-86, the Legislature shall appropriate each year from the Nebraska Energy Resource Fund one hundred thousand dollars to the State Energy Office for the purpose of carrying out sections 66-1029 to 66-1055 and for energy conservation purposes and providing technical assistance in developing alternate sources of energy, ~~and~~ one hundred thousand dollars to the State Energy Office for grants to assist in developing geothermal energy sources, and one hundred thousand dollars to the Attorney General's office to assist in the administration of subdivision (10) of section 84-205. For fiscal years ~~1982-83,~~ 1983-84, 1984-85, and 1985-86, the Legislature shall appropriate one hundred thousand dollars from the Nebraska Energy Resource Fund to the Nebraska Gasohol Committee and ~~two~~ one hundred thousand dollars to the Department of Revenue to assist in the administration of sections 66-1029 to 66-1055. Commencing July 1, 1986, the balance of the Severance Tax Fund received from other than school lands shall be credited and inure to the School Foundation and Equalization Fund. The amount allocated to the School Foundation and Equalization Fund under this section shall be in addition to any other amounts appropriated to such fund and shall be specifically allocated for distribution pursuant to (a) section 79-1334, in an amount not to exceed sixty per cent of such additional funds, and (b) section 79-1339. Any balance in the School Weatherization Fund on July 1, 1986, shall be transferred to the School Foundation and Equalization Fund.

Sec. 3. That section 84-205, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-205. The duties of the Attorney General shall be:

(1) To appear and defend actions and claims against the state;

(2) To consult with and advise the county attorneys, when requested by them, in all criminal matters and in matters relating to the public revenue; and he or she shall have authority to require their aid and assistance in all matters pertaining to his or her duties in their respective counties, and may, in any

case brought to the Supreme Court from their respective counties, demand and receive the assistance of the county attorney from whose county such case is brought;

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

(4) At the request of the Governor, the head of any executive department, the Secretary of State, State Treasurer, Auditor of Public Accounts, Board of Educational Lands and Funds, State Department of Education or Public Service Commission, to prosecute any official bond or any contract in which the state is interested, deposited with any of them, and to prosecute or defend for the state all actions and proceedings, civil or criminal, relating to any matter connected with any of their departments; PROVIDED, that, after investigation, he or she is convinced there is sufficient legal merit to justify the proceeding; and none of the above-named officers shall pay, or contract to pay, from the funds of the state any money for special attorneys or counselors-at-law, unless the employment of such special counsel shall be made upon the written authorization of the Governor or the Attorney General;

(5) To enforce the proper application of money appropriated by the Legislature to the various funds of the state, and prosecute breaches of trust in the administration of such funds;

(6) To prepare, whenever requested by the Governor, Secretary of State, State Treasurer, Auditor of Public Accounts, or other executive department, proper drafts for contracts, forms or other writings which may be wanted for the use of the state, and report to the Legislature, whenever requested, upon any business pertaining to the duties of his or her office;

(7) To pay all money received, belonging to the people of the state, immediately upon receipt thereof, into the state treasury;

(8) To keep a record in proper books provided for that purpose at the expense of the state, a register of all actions and demands prosecuted or defended by him or her in behalf of the state and all proceedings had in relation thereto, and deliver the same to his or her

successor in office; ~~and~~

(9) To appear for the state and prosecute and defend all actions and proceedings, civil or criminal, in the Supreme Court in which the state is interested or a party; and, when requested by the Governor or the Legislature, to appear for the state and prosecute or defend any action or conduct any investigation in which the state is interested or a party, before any court, officer, board, tribunal or commission; and

(10) To appear for the state and intervene in Federal Energy Regulatory Commission proceedings.

Sec. 4. That original section 84-205, Reissue Revised Statutes Supplement, 1982, and section 57-705, Revised Statutes Supplement, 1982, are repealed.".

3. Renumber section 2 added by such amendment as section 1 and insert underscoring to such section.

SELECT FILE

LEGISLATIVE BILL 602. E & R amendment, AM5097, found in the Journal on page 1307 for the Fifty-Seventh Day was adopted.

Pending.

VISITORS

Visitors to the Chamber were 38 students and teachers from Lincoln Elementary, Beatrice; 4 students and teacher from Valley City, District 6; 8 students and teachers from Douglas Community School; 50 students and teachers from St. Bernards School, Omaha; 36 students and teachers from Immaculate Conception School, Omaha; Senator Pappas' daughter, Amy; 15 students and teachers from District 23, Perry; and 54 students and sponsors from Mary Our Queen School, Omaha.

RECESS

At 11:51 a.m., on a motion by Speaker Nichol, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:36 p.m, President McGinley presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch, Messrs. Cullan, L. Johnson, and V. Johnson who were excused; and

Miss Kilgarin, Mrs. Labedz, Messrs. Abboud, Fenger, Goodrich, Haberman, Schmit, Wagner, Wesely, and Wiitala who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 602. Mr. Warner asked unanimous consent to withdraw his pending amendment found in the Journal on page 1251. No objections. So ordered.

Mr. Warner renewed his pending amendment found in the Journal on page 1355 to his pending amendment, AM0964, found in the Journal on page 1247.

The amendment was adopted with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

Mr. Warner renewed his pending amendment, AM0964, found in the Journal on page 1247.

Mr. Newell moved for a Call of the House. The motion prevailed with 14 ayes, 9 nays, and 26 not voting.

Mr. Newell requested a record vote on the Warner amendment.

Voting in the affirmative, 13:

Carsten	Chambers	Fowler	Higgins	Hoagland
Kahle	Kilgarin	Labedz	Marsh	Newell
Sieck	Wesely	Withem		

Voting in the negative, 27:

Abboud	Barrett	Beutler	Beyer	Chronister
Clark	DeCamp	Eret	Fenger	Goll
Goodrich	Hannibal	Hefner	Jacobson	Johnson, R.
Lamb	Landis	Lundy	Morehead	Nichol
Pappas	Peterson, H.	Peterson, R.	Remmers	Vickers
Von Minden	Warner			

Present and not voting, 2:

Haberman	Rupp

Excused and not voting, 7:

Cullan	Johnson, L.	Johnson, V.	Pirsch	Schmit
Wagner	Wiitala			

The Warner amendment, as amended, lost with 13 ayes, 27 nays, 2 present and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

Mr. Warner renewed the Appropriations Committee amendment found in the Journal on page 1295.

The amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, 7 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.

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner asked unanimous consent to expedite LB 602. No objections. So ordered.

LEGISLATIVE BILL 306. Mrs. Marsh asked unanimous consent to withdraw her pending amendments, AM0188 and AM0047, found in the Journal on page 488. No objections. So ordered.

Mr. Abboud requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 6 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 120. E & R amendments, AM5098, found in the Journal on page 1333 for the Fifty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 505. E & R amendments, AM5099, found in the Journal on page 1333 for the Fifty-Eighth Day were adopted.

Mr. Schmit offered the following amendment:

Since an emergency exists, this act shall be in full force and take effect from and after its passage and approval, according to law.

The amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 73. E & R amendments, AM5100, found in the Journal on page 1335 for the Fifty-Eighth Day were adopted.

Mr. Kahle renewed his pending amendment, AM0933, found in the Journal on page 1241.

The amendment was adopted with 27 ayes, 9 nays, 6 present and not voting, and 7 excused and not voting.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 1247. No objections. So ordered.

Mr. DeCamp offered the following amendment:

On page 9, beginning on Line 18, strike the new language through Line 23. Reinstate the stricken language.

On page 15, beginning on Line 25, strike the new language through Line 27, and on Page 16, strike the new language from Line 1 through Line 9.

Mr. Beutler 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. DeCamp moved for a Call of the House. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Abboud	Barrett	Beutler	Beyer	Chronister
Clark	DeCamp	Fenger	Goodrich	Jacobson
Kilgarin	Lamb	Marsh	Morehead	Nichol
Pappas	Peterson, H.	Peterson, R.	Remmers	Rupp
Von Minden				

Voting in the negative, 16:

Eret	Fowler	Goll	Haberman	Hefner
Hoagland	Johnson, R.	Kahle	Landis	Lundy
Newell	Schmit	Sieck	Vickers	Warner
Wesely				

Present and not voting, 4:

Hannibal	Higgins	Labedz	Withem

Absent and not voting, 1:

Chambers

Excused and not voting, 7:

Carsten	Cullan	Johnson, L.	Johnson, V.	Pirsch
Wagner	Wiitala			

The DeCamp amendment lost with 21 ayes, 16 nays, 4 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

Mr. Remmers offered the following amendment:
AM1061

1. On page 9, lines 9 and 16, after "bond" insert ", continuous irrevocable letter of credit,".

2. On page 10, lines 5 and 27, after "bond" insert ", continuous irrevocable letter of credit,"; in line 13 after "deposit" insert "or continuous irrevocable letter of credit"; and in line 14 after "bond" insert ", letter,".

3. On page 11, lines 11, 17, 19, and 22, after "bond" insert ", continuous irrevocable letter of credit,".

4. On page 12, lines 5 and 10, after "bond" insert ", continuous irrevocable letter of credit,".

Mr. Remmers moved for a Call of the House. The motion prevailed with 10 ayes, 2 nays, and 37 not voting.

Mr. Haberman requested a roll call vote on the Remmers amendment.

Voting in the affirmative, 23:

Abboud	Barrett	Beutler	Beyer	Chambers
Chronister	Clark	Eret	Fenger	Goll
Goodrich	Hefner	Hoagland	Jacobson	Kahle
Lamb	Marsh	Morehead	Peterson, H.	Peterson, R.
Remmers	Sieck	Von Minden		

Voting in the negative, 13:

Haberman	Hannibal	Johnson, R.	Kilgarin	Lundy
Newell	Pappas	Rupp	Schmit	Vickers
Warner	Wesely	Withem		

Present and not voting, 4:

Fowler	Higgins	Labedz	Nichol

Absent and not voting, 2:

DeCamp Landis

Excused and not voting, 7:

Carsten Cullan Johnson, L. Johnson, V. Pirsch
Wagner Wiitala

The Remmers amendment lost with 23 ayes, 13 nays, 4 present and not voting, 2 absent and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

Messrs. R. Peterson, Barrett, and Von Minden asked unanimous consent to be excused. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 194 and 209.

Correctly Engrossed

The following bills were correctly engrossed: 353, 397, 400, 415, 424, 440, 461, 469, 511, 541, 587, and 599.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 194
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0049
1. On page 1, line 4, "redefine terms" has been stricken and "change provisions relating to the taxation of certain deeds" has been inserted.

Enrollment and Review Changes to LB 209
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:

ER0048

1. On page 1, line 1, "79-4,176," has been inserted after "sections"; in line 3 after the semicolon "to authorize certain rules;" has been inserted after the semicolon; and in line 5 ", reassignment," has been inserted after "suspension".

2. On page 4, line 26, "79-4,176," has been inserted after "sections".

3. In the Beutler amendment, adopted 3-21, a comma has been inserted before and after "reassign"; and underscoring has been added as necessary.

4. In lieu of the Goodrich amendment, adopted 3-31, the following new section has been inserted:

"Section 1. That section 79-4,176, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-4,176. (1) The school board or board of education shall establish and promulgate rules and standards concerning student conduct which are reasonably necessary to carry out, or to prevent interference with carrying out, any educational function, if such rules and standards are clear and definite so as to provide clear notice to students as to the conduct prescribed or required thereunder. Notwithstanding any other provisions contained in sections 79-4,170 to 79-4,205, the school board or board of education may by rule specify a particular action as a sanction for particular conduct. Any such action must be otherwise authorized by sections 79-4,172, 79-4,178, or 79-4,180. Any such rule shall be binding on all students, school officials, board members, and hearing examiners.

(2) All rules and standards established by school officials, other than the board, applicable to students shall not conflict with rules and standards adopted by the board. The board may change any rule or standard in accordance with policies which it may from time to time adopt.

(3) Rules or standards which form the basis for discipline shall be distributed to students and their parents at the beginning of each school year, or at the time of enrollment, if during the school year, and shall be posted in conspicuous places in each school during the school year. Changes in rules and standards shall not take effect until reasonable effort has been made to distribute such changes to all students and parents.".

5. The remaining sections have been renumbered accordingly.

Enrollment and Review Change to LB 397

The following changes, required to be reported for publication in the Journal, have been made:

ER0047

1. On page 2, line 2, before "which" a comma has been inserted, and in line 3 before "shall" a comma has been inserted.

Enrollment and Review Change to LB 424

The following changes, required to be reported for publication in the Journal, have been made:

ER0045

1. On page 1, line 1, "and" has been stricken and a comma inserted and ", and 48-1220" has been inserted after "48-1008"; in line 3 "a term" has been stricken and "terms" inserted; and in line 4 after the semicolon "to provide for actions against the state as prescribed;" has been inserted.

2. On page 2, line 16, after "States" an underscored semicolon has been inserted; and in line 18, the semicolon has been stricken and shown as stricken.

3. In the Vard Johnson amendment adopted 3/30, page 2, line 5, before the comma, "and section 5 of this act" has been inserted; and in line 11, the stricken matter has been reinstated and the new matter stricken.

Enrollment and Review Change to LB 440

The following changes, required to be reported for publication in the Journal, have been made:

ER0044

1. On page 1, line 3, after the first semicolon "to change a penalty;" has been inserted.

Enrollment and Review Change to LB 541

The following changes, required to be reported for publication in the Journal, have been made:

ER0043

1. On page 1, line 4, "terms" has been stricken and "a term" inserted.

2. On page 2, line 10, the first comma has been struck and shown stricken, and "or" has been inserted.

Enrollment and Review Change to LB 599

The following changes, required to be reported for publication in the Journal, have been made:

ER0046

1. On page 5, line 6, after the second "sought" a comma has been inserted.

2. On page 6, line 8, after "limitation" a comma has been inserted; in line 16 after "limitation" a comma has been inserted; and in line 27 after the comma "and" has been inserted.

3. On page 10, line 11, "(f)" has been stricken and "(6)" inserted.

(Signed) Tristi J. Wilson
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Eret asked unanimous consent to print the following amendment to LB 617 in the Journal. No objections. So ordered.

AM1065
(Amendments to Standing Committee Amendments)
1. On page 6, line 19, strike "seventy-five"
and insert "fifty".

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 8, 1983, at 1:55 p.m., were the following bills: 43, 308, 362, and 393.

(Signed) Pamela Moravec, Enrolling Clerk

SELECT FILE

LEGISLATIVE BILL 73. Considered.

Mr. Clark requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 27 ayes, 8 nays, 4 present and not voting, and 10 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Messrs. Vickers, Hoagland, and Haberman asked unanimous consent to print the following amendment to LB 350 in the Journal. No objections. So ordered.

Section 2, Page 4, line 13 delete: "costs and expenses for investigation"
Section 2, Page 4, line 14 delete: "employees"

Section 2, Page 4, line 15 delete: "expert witnesses"

Section 2, Page 4, line 16, add after the word "fees": in cases within the scope of Section 25-1801

Mr. Hoagland asked unanimous consent to print the following amendment to LB 565 in the Journal. No objections. So ordered.

AM1062

1. On page 3, line 21, after "Legislature" insert ", except that such member shall make public his or her long distance telephone records. The disclosure of such records shall not include specific telephone numbers but shall include the area codes called, the cost of such calls, and the date such calls were made".

VISITORS

Visitors to the Chamber were Don and Jan Egenberger, and Robert and Hazel Craig from Minden; Don Overman from Scottsbluff; Les and Jennevieve Lutze from Holyoke, Colorado; Mollie Hillary and Sydney Foster; Susan Hendricks, her children, Jennifer, Michael, and Steven; 53 students and teacher from St. Bernard's School, Omaha; and 43 students and teachers from Springfield.

ADJOURNMENT

At 3:43 p.m., on a motion by Speaker Nichol, the Legislature adjourned until 10:00 a.m., Monday, April 11, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-FIRST DAY - APRIL 11, 1983

LEGISLATIVE JOURNAL

SIXTY-FIRST DAY - APRIL 11, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

SIXTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 11, 1983

Pursuant to adjournment, the Legislature met at 10:05 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Glenn B. Ogden, Benson Presbyterian Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Chambers, V. Johnson, Newell, Vickers, Wesely, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixtieth Day was approved.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 54 and LR 55.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 263. Placed on Select File as amended.
E & R amendment to LB 263:
AM5111
1. On page 1, line 7, strike "and" and after "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 266. Placed on Select File as amended.
E & R amendment to LB 266:
AM5112

1. On page 1, line 5, strike "and"; and in line 6 after "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 617. Placed on Select File as amended.
E & R amendments to LB 617:
AM5113

1. On page 1, line 2, after "54-1704," insert "67-293,"; in line 4 strike "71-1903,"; in line 5 strike "71-4613," and after "71-4264," insert "81-2,162.06, 81-2,162.23,"; in line 6 strike "81-2,177.01" and insert "84-1209, 84-1226"; and in line 10 strike "a fund" and insert "certain funds".

2. In the Standing Committee Amendments, (a) on page 4, line 24 strike "26" and insert "25", (b) on page 5, line 7, strike "27" and insert "26" and (c) on page 9, line 4 strike "13 and" and insert " '18.00' in line 13 and strike lines".

3. Because of the Chambers amendment, page 8, line 20, strike the comma, show as stricken, and insert an underscored period; and show the matter struck by the Chambers amendment as stricken.

4. In the Kilgarin, Morehead amendment, in the underscored matter after "except" insert "that".

(Signed) Rod Johnson, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 71
April 6, 1983

Dear Senator Fowler:

This is in response to your letter concerning the provisions of LB 78 which is currently before the Legislature. LB 78 requires that the prosecuting attorney in certain cases consult with the victim prior to entering a plea agreement. The proposed legislation would also require that statements of the victim be included in the presentence report.

First, you have asked whether the mandatory inclusion of statements of the victim in the presentence report without affording the defendant the opportunity to cross-examine the victim concerning the statements could constitute a denial of due process. The sentencing judge has broad discretion concerning the evidence that he can consider in imposing a sentence. In fact, the latitude allowed a sentencing judge in such instances is almost without limitation as long as it is relevant to the issue. State v. Porter, 209 Neb. 772, 310 N.W.2d 926 (1981). By the

very nature of a presentence investigation report, it is necessary to rely to a great extent upon hearsay information. State v. Porter, supra. Therefore, under the current law, the judge would be entitled to consider statements by the victim or to have them included in the presentence report. The Nebraska Supreme Court has previously determined that since the presentence investigation has nothing to do with the issue of guilt, the rules governing due process with respect to the admissibility of evidence are not the same in a presentence hearing as in a trial in which guilt or innocence is the issue, and that the due process clauses of the state and federal Constitutions do not require that a person be given the opportunity to confront and cross-examine witnesses concerning statements contained in the presentence report considered by the judge in accordance with a state statute in determining the sentence to impose pursuant to the wide discretion vested in the judge under the law. State v. Rose, 183 Neb. 809, 164 N.W.2d 646 (1969). The mandatory requirement that statements of the victim be included in the presentence report would not alter these previous decisions and the inclusion of such statements without the opportunity to confront and cross-examine the victim concerning the statements would not be a denial of due process.

Your second question is whether the statements of a victim included in a presentence report would be discoverable under the rules of civil procedure for use in a subsequent civil trial. As amended by LB 78, §29-2261(6) would provide:

> Any presentence report or psychiatric examination shall be privileged and shall not be disclosed directly or indirectly to anyone other than a judge, probation officers to whom an offender's file is duly transferred, or others entitled by law to receive such information. The court may permit inspection of the report or examination of parts thereof by the offender or his or her attorney, or other person having a proper interest therein, whenever the court finds it is in the best interest of a particular offender. The court may allow fair opportunity for an offender to provide additional information for the court's consideration.

Under this portion of the act, the contents of the presentence investigation are privileged. It would, therefore, appear that a statement of the victim would not be discoverable for use in a subsequent civil action under the discovery rules promulgated by the Nebraska Supreme Court. Rule 26(b)(1). However, the release of such information is left to the trial court's discretion, and in a proper situation the trial court may allow the offender to inspect the report. Hence, the offender might have an opportunity to be aware of the statements made by the victim and their contents.

Your final question is whether the restriction placed on plea bargaining and the mandatory inclusion of statements by the victim in the presentence report violate the separation of powers doctrine. Section 2 of LB 78 requires that the county attorney consult with the victim of specified crimes prior to reaching a plea agreement. This does

not place any restrictions on the county attorney's ability to exercise his discretion. The county attorney, in his discretion, may enter a plea agreement on terms he considers appropriate, after the required consultation with the victim, even though such action might be contrary to the victim's wishes. The same is true of Section 3 of LB 78 in regard to prosecutions of a violation of a city or village ordinance enacted in conformance with §39-699.07 or §39-699.08. Section 4 of LB 78 establishes the requirements that a statement by the victim be included or that the victim be given an opportunity to submit a statement to be included in the presentence report submitted to the sentencing judge. This does not affect the judge's ability to rely on the victim's statement to the extent that the judge feels is appropriate, or to rely on whatever other information the judge feels is relevant in making the sentence determination. Hence, the mere requirement that a certain item be included in the presentence report would not infringe upon the exercise of the power of the judiciary to impose sentences. Therefore, the provisions of LB 78 do not violate the separation of powers doctrine.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Sharon M. Lindgren
Assistant Attorney General

SML:jmh
cc: Patrick J. O'Donnell
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 269A. Title read. Considered.

Mr. Cullan moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Cullan requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Abboud	Barrett	Carsten	Chambers	Chronister
Cullan	DeCamp	Fowler	Goodrich	Hannibal
Higgins	Hoagland	Johnson, R.	Johnson, V.	Kilgarin
Labedz	Landis	Marsh	Newell	Pappas
Rupp	Schmit	Wagner	Warner	Wesely
Withem				

Voting in the negative, 20:

Beyer	Clark	Eret	Fenger	Goll
Haberman	Hefner	Jacobson	Johnson, L.	Kahle
Lamb	Lundy	Morehead	Nichol	Peterson, H.
Peterson, R.	Pirsch	Remmers	Sieck	Von Minden

Excused and not voting, 3:

Beutler	Vickers	Wiitala

Advanced to E & R for Review with 26 ayes, 20 nays, and 3 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 476A. Title read. Considered.

Advanced to E & R for Review with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 539A. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

MOTION - Approve Appointments

Mr. Fowler moved the adoption of the report of the Nebraska Retirement Systems Committee for the following Governor appointments found in the Journal on page 1385 for the Public Employee Retirement Board: Phil Kaldahl, Alcurtis Robinson, Jean Jeffrey, T. J. "Tom" Lynch, Everett Green, and Harold Salter.

Voting in the affirmative, 34:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Clark	Eret	Fenger	Fowler
Goodrich	Haberman	Hannibal	Hefner	Higgins
Jacobson	Johnson, L.	Johnson, R.	Kilgarin	Labedz
Lamb	Lundy	Marsh	Morehead	Nichol
Peterson, H.	Peterson, R.	Pirsch	Remmers	Sieck
Von Minden	Wagner	Warner	Withem	

Voting in the negative, 0.

Present and not voting, 12:

Cullan	DeCamp	Goll	Hoagland	Johnson, V.
Kahle	Landis	Newell	Pappas	Rupp

Schmit Wesely

Excused and not voting, 3:

Beutler Vickers Wiitala

The appointments were confirmed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

MOTION - Reconsider New Bill Introduction

Mr. Chronister renewed his pending motion found in the Journal on page 1294 to reconsider the DeCamp motion to suspend the rules to introduce a new bill, Req. #991.

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 Chronister motion to reconsider prevailed with 32 ayes, 6 nays, 9 present and not voting, and 2 excused and not voting.

MOTION - Suspend Rules

Mr. DeCamp reoffered his motion to suspend the Rules, Rule 5, Section 4(c) to permit the introduction of a new bill, Req. #991.

The DeCamp motion prevailed with 34 ayes, 6 nays, 7 present and not voting, and 2 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 631. By DeCamp, 40th District; Chronister, 18th District; Pappas, 42nd District.

A BILL FOR AN ACT to adopt the Industrial Financing Corporation Act.

GENERAL FILE

LEGISLATIVE RESOLUTION 10. Read. Considered.

Mr. DeCamp requested a record vote on the advancement of the resolution.

Voting in the affirmative, 31:

Barrett	Beyer	Carsten	Chronister	Cullan
DeCamp	Fenger	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Jacobson	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Landis
Lundy	Morehead	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Rupp	Von Minden	Wiitala
Withem				

Voting in the negative, 10:

Abboud	Chambers	Hoagland	Johnson, L.	Lamb
Marsh	Remmers	Sieck	Warner	Wesely

Present and not voting, 6:

Clark	Eret	Fowler	Newell	Schmit
Wagner				

Excused and not voting, 2:

Beutler	Vickers

Advanced to E & R for Review with 31 ayes, 10 nays, 6 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 158. Title read. Considered.

MR. LANDIS PRESIDING

Mr. Barrett renewed his pending amendment, AM0456, found in the Journal on page 720.

Mr. Hoagland offered the following amendment to the Barrett amendment:

By substituting "two hundred seven and one-half" in every instance where the Barrett Amendment would reduce the maximum from "two hundred fifteen" to "two hundred."

The Hoagland amendment lost with 8 ayes, 24 nays, 15 present and not voting, and 2 excused and not voting.

The Barrett amendment was adopted with 28 ayes, 6 nays, and 15 present and not voting.

Advanced to E & R for Review with 36 ayes, 1 nay, and 12 present and not voting.

PRESIDENT MCGINLEY PRESIDING

LEGISLATIVE BILL 158A. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 1 nay, and 15 present and not voting.

LEGISLATIVE BILL 174. Title read. Considered.

Standing Committee amendments, AM0432, found in the Journal on page 651 for the Thirty-Second Day were adopted with 28 ayes, 0 nays, and 21 present and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, and 17 present and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 433. Title read. Considered.

Standing Committee amendments, AM0320, found in the Journal on page 883 for the Forty-Second Day were adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Mr. Wiitala offered the following amendment:
AM0973

1. On page 4, line 7, strike "twenty" and insert "thirty".

2. On page 13, strike beginning with "A" in line 19 through "plans" in line 24 and insert "Any units added by an amendment to a declaration adding units to a condominium that would increase the voting rights of the developer or declarant within the condominium association shall not constitute an additional voting unit within the association unless the foundation for such unit has been completed".

3. On page 15, line 27, after "the" insert "name of the".

4. On page 34, line 5, strike "the" and insert "and the parties foreclosing the lien or encumbrance have not assented to or are not joining the declaration establishing such condominium, such"; and in line 6 strike "foreclosing the lien or encumbrance".

5. On page 46, strike beginning with "(C)" in line 25 through the semicolon in line 27.

6. On page 47, line 1, strike "(D)" and insert "(C)".

7. On page 61, line 18, strike "must" and insert "may at the discretion of the association".

8. On page 66, line 11, after "gratuitous" insert "or testamentary".

9. On page 67, line 26, after the period insert "Nothing in this subsection shall prohibit a condominium purchaser from waiving the preparation and delivery of a public offering statement with respect to the unit being resold.".

10. On page 79, line 23, after "fails" insert "in all material respects".

The amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 32 ayes, 1 nay, 15 present and not voting, and 1 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 56.

Introduced by Abboud, 12th District; Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Carsten, 2nd District; Chronister, 18th District; Clark, 47th District; Cullan, 49th District; DeCamp, 40th District; Doyle, 14th District; Eret, 32nd District; Fenger, 45th District; Fowler, 27th District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hannibal, 4th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; Jacobson, 33rd District; L. Johnson, 15th District; R. Johnson, 34th District; V. Johnson, 8th District; Kahle, 37th District; Kilgarin, 7th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Lundy, 36th District; Marsh, 29th District; Morehead, 30th District; Newell, 13th District; Nichol, 48th District; Pappas, 42nd District; H. Peterson, 35th District; R. Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rupp, 22nd District; Schmit, 23rd District; Sieck, 24th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District; Wiitala, 31st District.

WHEREAS, the University of Nebraska-Lincoln men's gymnastics team has provided the people of the state with continued excitement and excellence in gymnastics; and

WHEREAS, the University of Nebraska-Lincoln men's gymnastics team this year set an NCAA record by winning its fifth consecutive NCAA gymnastics team championship; and

WHEREAS, the University of Nebraska-Lincoln men's gymnastics team set an NCAA record score at that competition of 287.80; and

WHEREAS, the coaches and members of the team have spent long

hours in order to achieve this victory.

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

1. That the members of the Legislature extend congratulations to the University of Nebraska-Lincoln men's gymnastics team and coaches for their outstanding performance in winning the 1983 NCAA team gymnastics championship.

2. That a copy of the resolution be presented to the team.

Laid over.

LEGISLATIVE RESOLUTION 57.

Introduced by Landis, 46th District; Wesely, 26th District; DeCamp, 40th District.

WHEREAS, the horror of a nuclear holocost is universally acknowledged; and

WHEREAS, advancements in atomic and nuclear science have created a world-wide military situation that would ultimately result in total annihilation of countries or continents; and

WHEREAS, the fiscal year 1982 Department of Defense annual report states that the "United States and Soviet Union are roughly equal in strategic nuclear power"; and

WHEREAS, the federal government is planning to spend more than one trillion dollars on the military in the next six years and at least two hundred billion of that will go for nuclear weapons and nuclear weapons research resulting in an unbalanced budget, major unemployment, and high interest rates, which adversely affect Nebraska's agricultural economy; and

WHEREAS, the ultimate deescalation of any military nuclear threat will probably be determined by diplomatic negotiations between nations.

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

1. That the Legislature hereby goes on record in support of the negotiation of an immediate, bilateral, and verifiable freeze by the United States and Soviet Union on the testing, production, and deployment of nuclear weapons.

2. That the Legislature encourages the people of the Soviet Union to petition their government in support of the same terms in the hope that both governments will accede to the wishes of their citizens.

3. That the Nebraska Secretary of State transmit certified copies of this resolution to the President of the United States, the President Pro Tem of the Senate, the Speaker of the House of Representatives, the chairman of the Presidium of the Supreme Soviet, and the Tass News

Agency.

(Version reported to the floor following the Government, Military and Veterans Affairs Committee's public hearing on LR 49 and LR 50.)

Laid over.

ATTORNEY GENERAL'S OPINION

Opinion No. 72
April 8, 1983

Dear Senator Hannibal:

You have directed our attention to LB 586, and have asked whether that bill violates Article III, Section 14, of the Nebraska Constitution, which provides that no bill shall contain more than one subject, which shall be clearly expressed in the title. In view of the very broad interpretation our court has given to this constitutional provision, we are unable to say that LB 586 violates it, although it admittedly stretches it to its limits.

The title of the bill recites that it is an act relating to revenue and taxation, to create certain funds, to provide for a distribution of funds to political subdivisions, to change provisions relating to sales and use tax, to provide funding and procedures for managing certain natural resources, to provide for loans and grants, to create a board, to direct the Legislature to annually appropriate certain general funds, to provide priorities, and to eliminate local sales and use taxes in funding procedures.

We start with the premise that the raising of revenue by taxation and the disposition of funds so raised is a single subject which may properly be provided for in one bill. The bill amends the sales tax act, by imposing a tax on the sale of bingo cards, lottery tickets, and pickle cards, and the gross receipt from rendering brokerage service. It also provides a fund for aid to counties, municipalities, and school districts.

Section 6 amends §77-3705, dealing with the homestead exemption, by limiting it to veterans over 70 years of age. Section 77-3523 provides for reimbursement to the taxing agencies of the state of tax revenue lost because of the homestead exemption, so section 6 deals with the disbursement of funds raised by the state by taxation.

Sections 5 through 20 of the bill create the Water Management and Development Board, and the Water Management and Development Fund. Section 11 provides for crediting and appropriating state funds to that Fund. Section 12 provides that the Board shall apportion the funds in the Water Management and Development Fund in a prescribed manner. We believe these sections deal with the disposition of state funds raised by taxation.

Sections 21 and 22 of the bill deal with the disposition of the

Nebraska Resources Development Fund. Again, we cannot say that this is wholly unrelated to revenue and taxation.

The bill also repeals §§77-27,136 to 77-27,140, dealing with the Governmental Subdivision Fund, and §§77-27,142 to 77-27,148, the Local Option Revenue Act. Presumably, the rationale behind such repeals is that the Legislature has made provision for state aid to political subdivisions in sections 1 through 3 of LB 586, and that the Governmental Subdivision Fund and the Local Option Revenue Act are no longer necessary.

The thread tying all of the different parts of the bill together is admittedly tenuous, but in view of the history of our court's broad interpretation of Article III, Section 14, we are not prepared to say that it would find a violation in this case.

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

RHG:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

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.

AM1063

(Amendments to Standing Committee amendments)

1. On page 2, line 23, after the stricken period insert "In determining such maintenance fee the department shall not include the costs of erecting such signs. Such signs shall be erected using federal funds made available under 23 U.S.C. section 131(g).".

2. On page 4, line 5, before the first quotation marks insert the following paragraph:

"Just compensation, in all ways equitably computed and including severance damage and damage to the remainder of the owner's business or property rights and interests, shall be paid for each such sign removed.".

VISITORS

Visitors to the Chamber were 32 students and teachers from St. Libory Catholic School, St. Libory; 16 sophomores and sponsor from Newcastle High School, Newcastle; 14 seniors and teacher from

Nemaha Valley High School, Cook; and 29 ninth grade students and teachers from Friend High School, Friend.

RECESS

At 11:52 a.m., on a motion by Mr. Lundy, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:34 p.m, President McGinley presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Chambers, Cullan, Fowler, Goll, Haberman, V. Johnson, Landis, Newell, R. Peterson, Remmers, Schmit, Wiitala, Miss Kilgarin, and Mrs. Higgins who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 585. Title read. Considered.

Standing Committee amendments, AM0440, found in the Journal on page 679 for the Thirty-Fourth Day were considered.

Mr. Vickers renewed his pending amendment found in the Journal on page 1302 to the Standing Committee amendment.

The amended was adopted with 22 ayes, 0 nays, 12 present and not voting, and 15 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Mr. Vickers renewed his pending amendment found in the Journal on page 1302.

The amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Warner offered the following amendment:

Page 5, line 21 strike "One per cent interest per annum" and insert "Five per cent interest compounded"

The amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

MR. V. JOHNSON PRESIDING

Mr. Lamb moved to indefinitely postpone LB 585.

Mrs. Marsh asked unanimous consent to be excused until she returns. No objections. So ordered.

PRESIDENT MCGINLEY PRESIDING

Pending.

UNANIMOUS CONSENT - Member Excused

Mr. Carsten asked unanimous consent to be excused Tuesday, April 12, 1983. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 565 in the Journal. No objections. So ordered.

AM1070

1. On page 3, line 20, strike beginning with "related" through "by" and insert "made from not more than six telephones designated by the Executive Board of the Legislature, except that such telephones shall not be located in any office of".

GENERAL FILE

LEGISLATIVE BILL 585. Mr. Lamb renewed his pending motion to indefinitely postpone.

Mr. Wagner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Lamb asked unanimous consent to withdraw his motion to indefinitely postpone LB 585. No objections. So ordered.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 8 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 585A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 10 nays, 12 present and not voting, and 2 excused and not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bill 631 and Reference Reports No. IX and X, Governor's Appointments, which were approved by the Board on April 5th and 6th, 1983.

LB	Committee
631	Banking, Commerce and Insurance

Judiciary
Ronald Bartee - Board of Parole

Public Works
Robert Stutzman - Board of Public Roads Classification and Standards

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 434. Indefinitely postponed.

(Signed) John W. DeCamp, Chairperson

Judiciary

LEGISLATIVE BILL 312. Placed on General File as amended.
Standing Committee amendments to LB 312:
AM0794

1. Strike the original sections and insert the following new sections:

"Section 1. That section 25-1151, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1151. In all actions brought to recover

damages for injuries to a person or to his or her property caused by the negligence or act or omission giving rise to strict liability in tort of another, the fact that the plaintiff may have been guilty of contributory negligence shall not bar a recovery when the contributory negligence of the plaintiff was slight ~~and~~ in comparison to the negligence or act or omission giving rise to strict liability in tort of the defendant, ~~was gross in comparison,~~ but the contributory negligence of the plaintiff shall be considered by the jury in the mitigation of damages in proportion to the amount of contributory negligence attributable to the plaintiff; and all questions of negligence or act or omission giving rise to strict liability in tort and contributory negligence shall be for the jury.

Sec. 2. That original section 25-1151, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 447 in the Journal. No objections. So ordered.

AM1085

1. Insert the following new section:

"Sec. 3. That section 25-1308, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1308. (1) When a defendant against whom a judgment is sought has failed to answer or otherwise plead, such defendant shall be in default and judgment may be entered against him or her.

(2) When the plaintiff's claim against a defendant is for a sum certain or for a sum which can by computation be made certain, the court shall enter judgment for that amount, costs against the defendant, and any other amount as may be allowed by statute. It shall not be necessary for plaintiff to appear at the time the judgment is entered, but the court for cause may require proof of the petition by affidavit.

(3) In all cases other than as set forth in subsection (2) of this section, if ~~If~~ the taking of an account, or the proof of a fact, or the assessment of

damages, be necessary to enable the court to pronounce judgment upon a failure to answer, or after a decision of an issue of law, the court may, with the assent of the party not in default, take the account, hear the proof, or assess the damages; or may, with the like assent, refer the same to a referee, master, or commissioner, or may direct the same to be ascertained or assessed by a jury. If a jury be ordered, it shall be on or after the day on which the action is set for trial. This section shall not be construed to impair the right of a party to a jury if he or she appears ~~appear~~ at the trial by himself or herself or attorney, and ~~demand~~ demands the same.".

2. On page 4, line 12, strike "section" and insert "sections 25-1308 and".

3. Renumber the remaining sections accordingly.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 619 in the Journal. No objections. So ordered.

AM1086

1. Strike the Standing Committee Amendments, AM0832.

2. Strike original section 2.

3. On page 3, line 3, after "its" insert "(a)"; strike the new matter in lines 3 and 4; and in line 7 after "77-2741" insert "and (b) interest on obligations of any state or the political subdivisions of any state".

4. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 560. Title read. Considered.

Standing Committee amendments, AM0703, found in the Journal on page 961 for the Forty-Fourth Day were considered.

Mr. Carsten asked unanimous consent to be excused. No objections. So ordered.

Mr. Sieck renewed his pending amendment, AM0839, found in the Journal on page 1066 to the Standing Committee amendments.

The amendment was adopted with 18 ayes, 4 nays, 26 present and not voting, and 1 excused and not voting.

Mr. Newell offered the following amendment to the Standing Committee amendment:

On page 1, line 22, after the word act, insert "and the facility to be expanded or the new facility to be built is with in a blighted or substandard area as defined in 18-2103, (D).

Mr. Newell moved for a Call of the House. The motion prevailed with 17 ayes, 5 nays, and 27 not voting.

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Beutler	Cullan	DeCamp	Fowler	Higgins
Hoagland	Johnson, V.	Kilgarin	Labedz	Landis
Newell	Remmers	Vickers	Warner	Wiitala

Voting in the negative, 26:

Abboud	Barrett	Beyer	Clark	Fenger
Goll	Hannibal	Hefner	Jacobson	Johnson, L.
Johnson, R.	Kahle	Lamb	Lundy	Marsh
Morehead	Pappas	Peterson, H.	Pirsch	Rupp
Schmit	Sieck	Von Minden	Wagner	Wesely
Withem				

Present and not voting, 7:

Chambers	Chronister	Eret	Goodrich	Haberman
Nichol	Peterson, R.			

Excused and not voting, 1:

Carsten

The Newell amendment lost with 15 ayes, 26 nays, 7 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. Newell offered the following amendment to the Standing Committee amendments:

On page 1, line 19, after the word "investment" insert "and two

hundred dollar credit for each employee above the initial two employees, who works in a plant which is expanded or built in a blighted or substandard area as defined in 18-2103, and a hundred dollar credit for each employee above the initial two employees, if the additional employer works in a plant that is neither blighted or substandard."

Mr. Newell requested a record vote on his amendment.

Voting in the affirmative, 14:

Beutler	Cullan	DeCamp	Higgins	Hoagland
Johnson, V.	Kilgarin	Landis	Newell	Nichol
Pirsch	Vickers	Wiitala	Withem	

Voting in the negative, 20:

Abboud	Barrett	Beyer	Clark	Fenger
Goll	Goodrich	Hannibal	Hefner	Johnson, L.
Lamb	Lundy	Marsh	Morehead	Pappas
Peterson, H.	Remmers	Rupp	Von Minden	Wesely

Present and not voting, 14:

Chambers	Chronister	Eret	Fowler	Haberman
Jacobson	Johnson, R.	Kahle	Labedz	Peterson, R.
Schmit	Sieck	Wagner	Warner	

Excused and not voting, 1:

Carsten

The Newell amendment lost with 14 ayes, 20 nays, 14 present and not voting, and 1 excused and not voting.

Mr. Vickers offered the following amendment to the Standing Committee amendments:

Strike line one (1) from the committee amendments and on line 5 strike thru from the word "on" thru line "12".

Mr. Clark and Mrs. Higgins asked unanimous consent to be excused. No objections. So ordered.

Mr. Vickers moved for a Call of the House. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Barrett	Beutler	Beyer	Chronister	Cullan
Fenger	Haberman	Hoagland	Johnson, R.	Kilgarin
Marsh	Morehead	Newell	Nichol	Pappas
Schmit	Vickers	Wagner	Warner	

Voting in the negative, 22:

Abboud	Eret	Fowler	Goll	Hannibal
Hefner	Jacobson	Johnson, L.	Johnson, V.	Kahle
Labedz	Lamb	Landis	Lundy	Peterson, H.
Pirsch	Remmers	Rupp	Sieck	Von Minden
Wesely	Withem			

Present and not voting, 5:

Chambers	DeCamp	Goodrich	Peterson, R.	Wiitala

Excused and not voting, 3:

Carsten	Clark	Higgins

The Vickers amendment lost with 19 ayes, 22 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Pending.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 117. Placed on General File.

(Signed) John W. DeCamp, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 169.

Correctly Engrossed

The following bills were correctly engrossed: 432, 465, 571, 571A, and 602.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 169 Final Reading Copy

The following changes, required to be reported for publication in the Journal, have been made:
ER0051

1. On page 1, the material beginning with the last "to" in line 9 through the semicolon in line 11 has been stricken.

Enrollment and Review Changes to LB 465

The following changes, required to be reported for publication in the Journal, have been made:
ER0050

1. Because of the Vickers et al. amendment on page 1330 of the Journal, the DeCamp amendment and E&R amendment 2 have been stricken.

2. In the Vickers et al. amendment, (a) page 1330 of the Journal, line 2, after the colon, paragraphing has been added; and (b) page 1331 of the Journal, line 3, "Provided however, that nothing in this act" has been stricken and "Nothing in this section" inserted.

3. In the Standing Committee amendments on page 1, line 5, "or villages" has been inserted after "cities".

Enrollment and Review Change to LB 571

The following changes, required to be reported for publication in the Journal, have been made:
ER0054

1. In the E & R amendment, on page 1, line 22, "2, line 13" has been stricken and "12, line 8" inserted.

Enrollment and Review Change to LB 602

The following changes, required to be reported for publication in the Journal, have been made:

ER0053

1. In lieu of the Warner amendment adopted 4-8, (a) on page 28, line 24, "176,846" has been stricken, shown as stricken, and "180,246" inserted; and (b) in the Standing Committee amendments, page 6, line 20, "275,637" has been stricken and "279,482" inserted.

(Signed) Tristi J. Wilson
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 155 in the Journal. No objections. So ordered.

Amend 3rd Final Reading Copy

Page 5, line 4: After "standards," strike all language through "procedure" in line 6. Insert: "any consumer may resort to such procedure before bring court action."

Mr. Haberman asked unanimous consent to print the following amendment to LB 539 in the Journal. No objections. So ordered.

AM1019

1. In the Standing Committee Amendments on page 1093 of the Journal, on page 1, line 5, strike ", 8,"; and strike beginning with "beginning" in line 19 through "2-4323," in line 21 and insert " '2-4316,' and 'and 2-4325 to 2-4327' and after '2-4323,' insert".

Mr. Chambers asked unanimous consent to print the following amendment to LB 617 in the Journal. No objections. So ordered.

AM1082

1. On page 1, line 1, strike "42-123".
2. Strike original section 2 and insert the following new section:
"Sec. 2. For the purposes of sections 42-121 to 42-128, if a standard serological test for syphilis is performed by the Department of Health, a fee not to exceed five dollars per test shall be charged for such laboratory test performed by the department. Such fee shall be deposited in the State Treasury and credited to the Department of Health Cash Fund.".
3. On page 8, line 20, strike "metabolic disease", show as stricken, and insert "phenylketonuria or primary hypothyroidism".

4. On page 9, strike lines 22 through 26 and show as stricken.
5. On page 35, line 3, strike "42-123".

GENERAL FILE

LEGISLATIVE BILL 560. Messrs. Hannibal, Wesely, Hefner, Lundy, Pappas, and Sieck renewed their pending amendment, AM0943, found in the Journal on page 1241.

Mr. Wiitala asked unanimous consent to be excused. No objections. So ordered.

Mr. Newell offered the following amendment to the Hannibal et al amendment:

Page 1, line 22 and page 2, line 7 strike "fifty"

Pending.

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

LB 631 Monday, April 18, 1983 12:00 noon

(Signed) John W. DeCamp, Chairperson

VISITORS

Visitors to the Chamber were Lois Korsmeyer, Les Burgess, Lois Gartner, and Dorothy Maxwell from Lincoln; 30 ninth grade students and teachers from Homer Community School; former Senator and Mrs. Les Robinson from Kearney; former Senator and Mrs. Dick Ely from Guide Rock; 70 third and fourth grade students and teachers from Ruth Hill Elementary, Lincoln; and 55 students and teachers from St. Margaret Mary, Omaha.

ADJOURNMENT

At 4:45 p.m., on a motion by Mr. Sieck, the Legislature adjourned until 9:00 a.m., Tuesday, April 12, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL
OF THE
STATE OF NEBRASKA
Volume 2

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

1983

Convened January 5, 1983 Adjourned May 25, 1983

LINCOLN, NEBRASKA

Compiled

Under Authority of the Legislature

by

PATRICK J. O'DONNELL, CLERK

SIXTY-SECOND DAY - APRIL 12, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

SIXTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 12, 1983

Pursuant to adjournment, the Legislature met at 9:05 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Emmet Haas, East Lincoln Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Carsten, R. Peterson, and Schmit who were excused; and Messrs. Chambers, Cullan, Fowler, V. Johnson, Newell, Rupp, Warner, Wiitala, Miss Kilgarin, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-First Day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 56. Read. Considered.

LR 56 was adopted with 35 ayes, 0 nays, and 14 not voting.

MOTION - Return LB 155 to Select File

Mr. Chambers moved to return LB 155 to Select File for his specific amendment found in the Journal on page 1437.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. Chambers requested a record vote on his motion.

Voting in the affirmative, 9:

Chambers	Higgins	Hoagland	Johnson, R.	Labedz
Landis	Marsh	Pirsch	Withem	

Voting in the negative, 26:

Abboud	Barrett	Beyer	Chronister	Clark
Fenger	Goll	Goodrich	Haberman	Hannibal
Hefner	Jacobson	Johnson, L.	Lamb	Lundy
Morehead	Newell	Nichol	Pappas	Peterson, H.
Remmers	Rupp	Sieck	Von Minden	Warner
Wesely				

Present and not voting, 7:

Beutler	DeCamp	Eret	Kahle	Vickers
Wagner	Wiitala			

Excused and not voting, 7:

Carsten	Cullan	Fowler	Johnson, V.	Kilgarin
Peterson, R.	Schmit			

The Chambers motion lost with 9 ayes, 26 nays, 7 present and not voting, and 7 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 309.

A BILL FOR AN ACT to amend section 75-308, Reissue Revised Statutes of Nebraska, 1943, relating to motor carriers; to provide exceptions to tariff provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud	Barrett	Beutler	Chronister	Clark

DeCamp	Eret	Fenger	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Labedz	Lamb	Landis	Lundy	Marsh
Newell	Nichol	Pappas	Peterson, H.	Pirsch
Remmers	Rupp	Sieck	Vickers	Von Minden
Wagner	Warner	Wiitala	Withem	

Voting in the negative, 3:

Beyer	Chambers	Wesely

Present and not voting, 1:

Morehead

Excused and not voting, 6:

Carsten	Cullan	Fowler	Kilgarin	Peterson, R.
Schmit				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 454.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-820, Revised Statutes Supplement, 1982; to change provisions relating to interest rates and fees for credit and transaction cards as prescribed; to authorize certain acquisitions by bank holding companies as prescribed; to provide for the construction of certain 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, 29:

Abboud	Beyer	Chronister	Clark	DeCamp
Goll	Goodrich	Hannibal	Hefner	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Lundy	Marsh	Newell	Nichol	Pappas
Peterson, H.	Remmers	Rupp	Sieck	Von Minden
Wagner	Wesely	Wiitala	Withem	

Voting in the negative, 14:

Barrett	Beutler	Chambers	Eret	Fenger
Haberman	Higgins	Labedz	Lamb	Landis
Morehead	Pirsch	Vickers	Warner	

Excused and not voting, 6:

Carsten	Cullan	Fowler	Kilgarin	Peterson, R.
Schmit				

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 77-1343 to 77-1345, 77-1347, and 77-1348, Reissue Revised Statutes, 1943, relating to agricultural lands; to redefine terms; to restrict uses of land zoned as agricultural; to change an application date; to change provisions relating to disqualification; 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, 38:

Abboud	Barrett	Beutler	Chambers	Chronister
Clark	DeCamp	Eret	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Nichol	Pappas	Remmers	Rupp
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 4:

Beyer	Fenger	Newell	Pirsch

Present and not voting, 1:

Peterson, H.

Excused and not voting, 6:

Carsten	Cullan	Fowler	Kilgarin	Peterson, R.
Schmit				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 133.

A BILL FOR AN ACT to amend section 53-124, Reissue Revised Statutes of Nebraska, 1943, and section 53-123.03, Revised Statutes Supplement, 1982, relating to liquor; to provide for a license and a fee; to change provisions relating to certain 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, 33:

Barrett	Beutler	Beyer	Chronister	Clark
DeCamp	Fenger	Goodrich	Haberman	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Labedz	Lamb
Landis	Lundy	Marsh	Morehead	Newell
Nichol	Pirsch	Rupp	Sieck	Von Minden
Wagner	Wiitala	Withem		

Voting in the negative, 10:

Abboud	Chambers	Eret	Goll	Pappas
Peterson, H.	Remmers	Vickers	Warner	Wesely

Present and not voting, 6:

Carsten	Cullan	Fowler	Kilgarin	Peterson, R.
Schmit				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 199.

A BILL FOR AN ACT to amend section 37-1109, Reissue Revised

Statutes of Nebraska, 1943, and sections 37-1105 and 37-1111, Revised Statutes Supplement, 1982, relating to park entry permits; to increase a fee; to provide when permits are required; to provide for duplicate annual permits; to change a penalty; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 29:

Beyer	Chronister	Goll	Goodrich	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Labedz	Landis
Lundy	Marsh	Newell	Nichol	Pappas
Peterson, H.	Rupp	Sieck	Vickers	Wagner
Warner	Wesely	Wiitala	Withem	

Voting in the negative, 13:

Abboud	Barrett	Beutler	Chambers	Clark
Eret	Fenger	Haberman	Lamb	Morehead
Pirsch	Remmers	Von Minden		

Present and not voting, 1:

DeCamp

Excused and not voting, 6:

Carsten	Cullan	Fowler	Kilgarin	Peterson, R.
Schmit				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 199A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 199, Eighty-eighth Legislature, First Session, 1983.

Whereupon the 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:

Beyer	Chronister	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Labedz
Landis	Lundy	Marsh	Newell	Nichol
Pappas	Peterson, H.	Pirsch	Rupp	Sieck
Vickers	Wagner	Warner	Wesely	Wiitala
Withem				

Voting in the negative, 9:

Abboud	Barrett	Beutler	Clark	Fenger
Lamb	Morehead	Remmers	Von Minden	

Present and not voting, 3:

Chambers	DeCamp	Eret

Excused and not voting, 6:

Carsten	Cullan	Fowler	Kilgarin	Peterson, R.
Schmit				

A constitutional 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 section 46-666, Revised Statutes Supplement, 1982, relating to ground water; to change provisions relating to controls adopted by a natural resources district; 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:

Abboud	Barrett	Beutler	Beyer	Chambers
Chronister	Clark	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol

Pappas	Peterson, H.	Pirsch	Remmers	Rupp
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 0.

Excused and not voting, 6:

Carsten	Cullan	Fowler	Kilgarin	Peterson, R.
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.

MOTION - Return LB 155 to Select File

Mr. Chambers moved to return LB 155 to Select File for the following specific amendment:

Page 5, lines 1 & 2: Strike all language through "a" in line 2. Insert: "A manufacturer shall establish and participate in the"

Line 4, after "standards," insert "and"

Mr. Chambers requested a record vote on his motion.

Voting in the affirmative, 16:

Beutler	Chambers	Hannibal	Higgins	Hoagland
Johnson, R.	Kilgarin	Labedz	Landis	Marsh
Morehead	Pirsch	Vickers	Wesely	Wiitala
Withem				

Voting in the negative, 24:

Abboud	Barrett	Beyer	Clark	DeCamp
Fenger	Goll	Goodrich	Haberman	Hefner
Jacobson	Johnson, L.	Johnson, V.	Kahle	Lamb
Lundy	Newell	Nichol	Peterson, H.	Remmers
Rupp	Sieck	Von Minden	Warner	

Present and not voting, 4:

Chronister	Eret	Pappas	Wagner

Excused and not voting, 5:

Carsten	Cullan	Fowler	Peterson, R.	Schmit

The Chambers motion lost with 16 ayes, 24 nays, 4 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 155. With Emergency.

A BILL FOR AN ACT relating to certain motor vehicles; to define terms; to provide duties for certain motor vehicle manufacturers; to provide procedures and limitations; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Abboud	Barrett	Beutler	Beyer	Chronister
Clark	DeCamp	Eret	Fenger	Fowler
Goll	Goodrich	Haberman	Hannibal	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Pirsch	Remmers	Rupp
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Johnson, R.

Excused and not voting, 4:

Carsten	Cullan	Peterson, R.	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.

UNANIMOUS CONSENT - Members Excused

Mrs. Labedz and Mr. Clark asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 304. E & R amendments, AM5102, found in the Journal on page 1347 for the Fifty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 565. Mr. Warner renewed his pending amendment, AM1015, found in the Journal on page 1366.

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, 13:

Beutler	DeCamp	Fowler	Hannibal	Hoagland
Labedz	Lundy	Morehead	Nichol	Pirsch
Rupp	Warner	Wesely		

Voting in the negative, 26:

Abboud	Beyer	Chambers	Goll	Goodrich
Haberman	Hefner	Jacobson	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Lamb	Landis
Marsh	Newell	Pappas	Peterson, H.	Remmers
Sieck	Vickers	Von Minden	Wagner	Wiitala
Withem				

Present and not voting, 5:

Barrett	Chronister	Eret	Fenger	Higgins

Excused and not voting, 5:

Carsten	Clark	Cullan	Peterson, R.	Schmit

The Warner amendment lost with 13 ayes, 26 nays, 5 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the Call raised.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 309, 454, 26, 133, 199, 199A, 506, and 155.

SELECT FILE

LEGISLATIVE BILL 565. Mr. Hoagland renewed his pending amendment, AM1070, found in the Journal on page 1429.

The amendment lost with 4 ayes, 24 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Hoagland asked unanimous consent to withdraw his pending amendment, AM1062, found in the Journal on page 1415. No objections. So ordered.

Mr. Hoagland offered the following amendment:

Lines 20-21, p 3, by striking "a member of the Legislature" and substituting "an elected public official of this state, any county, city, village, political subdivision, or tax-supported district in this state"

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

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 620. E & R amendments, AM5105, found in the Journal on page 1373 for the Fifty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 237. E & R amendments, AM5106, found in the Journal on page 1389 for the Sixtieth Day were adopted.

Mr. Fowler asked unanimous consent to withdraw his pending amendment, AM1066, found in the Journal on page 1403. No objections. So ordered.

Mr. DeCamp offered the following amendment:

1. On page 2, line 18, after "statement", insert ", including the police officer's contributions picked up by the city as provided in Section 5(2)".

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.

RESOLUTION

LEGISLATIVE RESOLUTION 58.

Introduced by Von Minden, 17th District; Hefner, 19th District; Beutler, 28th District.

PURPOSE:

WHEREAS, the Judicial System is an integral component of the American republic and the government of Nebraska, comprising one of the 3 independent branches of government; and

WHEREAS, the Nebraska Judiciary, has traditionally held a position of high esteem in the minds of Nebraskans; and

WHEREAS, it is essential to the maintenance of law and order that the citizens of this State respect the legal system and the administrators of justice within the legal system, namely the Judiciary; and

WHEREAS, it is incumbent upon the members of the Judiciary to conduct themselves so as not to bring discredit upon themselves or their office in the eyes of the public; and

WHEREAS, there is growing dissatisfaction with the method of disciplining members of the Judiciary who violate the public trust and promote disrespect for the law and the judicial system:

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

1. That a committee of the Legislature shall be designated to conduct an interim study to evaluate the procedures of the Commission of Judicial Qualifications and the method of disciplining the Judiciary in order to determine whether reform of the present method is needed.

2. That the Committee report its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 12, 1983, at 11:15 a.m., were the following bills: 309, 454, 26, 133, 199, 199A, 506, and 155.

(Signed) Jan Loder, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 64, 170, 375, and 536.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Changes to LB 64

The following changes, required to be reported for publication in the Journal, have been made:
ER0052

1. In the Warner Amendment adopted on April 6, the sections have been numbered sections 17 and 18 respectively; in line 3 of section 17 "low income" has been stricken and "low-income" inserted; and in section 18 in line 2 "percent" has been stricken and "per cent" added and in line 3 "Low Income" has been stricken and "Low-Income" inserted.

2. In the Landis Amendment adopted on April 6, page 1, line 15, "18" has been stricken and "20" inserted.

Enrollment and Review Change to LB 170

The following changes, required to be reported for publication in the Journal, have been made:
ER0055

1. On page 1, "to provide a penalty;" has been inserted after the semicolon in line 8.

(Signed) Tristi J. Wilson
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 624. E & R amendment, AM5107, found in the Journal on page 1389 for the Sixtieth Day was adopted.

Messrs. Wesely and Rupp offered the following amendment:
AM1105

1. On page 3, line 15, strike "The itemized estimates of" and insert "Each school district which submits an itemized estimate pursuant to"; in line 16 strike "may" and insert "shall establish an asbestos removal fund. Taxes collected pursuant to subsection (2) of this section shall be credited to such fund to"; and after line 22, insert:

"(4) The itemized estimate submitted by a school board pursuant to subsection (1) of this section may include the actual cost of removal and replacement of exposed building materials containing greater than one per cent friable asbestos when such removal and replacement occurred prior to the delivery of such estimate to the county clerk and was completed after June 28, 1982.".

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 396. E & R amendments, AM5108, found in the Journal on page 1390 for the Sixtieth Day were adopted.

Mr. V. Johnson renewed his pending amendment, AM0321, found in the Journal on page 1370.

Mr. DeCamp requested a record vote on the V. Johnson amendment.

Voting in the affirmative, 11:

DeCamp	Eret	Haberman	Johnson, V.	Kilgarin
Landis	Marsh	Newell	Rupp	Von Minden
Wiitala				

Voting in the negative, 24:

Abboud	Barrett	Beutler	Beyer	Fenger
Fowler	Goll	Goodrich	Hannibal	Hefner
Jacobson	Johnson, L.	Lamb	Lundy	Morehead
Nichol	Pappas	Peterson, H.	Pirsch	Remmers
Sieck	Warner	Wesely	Withem	

Present and not voting, 9:

Chambers	Chronister	Higgins	Hoagland	Johnson, R.

Kahle Labedz Vickers Wagner

Excused and not voting, 5:

Carsten Clark Cullan Peterson, R. Schmit

The V. Johnson amendment lost with 11 ayes, 24 nays, 9 present and not voting, and 5 excused and not voting.

Mr. DeCamp moved to indefinitely postpone LB 396.

Laid over.

LEGISLATIVE BILL 180. E & R amendments, AM5109, found in the Journal on page 1390 for the Sixtieth Day were adopted.

Mr. Eret asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Engrossment.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 272. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 121. Mr. Wesely offered the following amendment:
AM1029

1. Insert the following new section:
"Sec. 2. For purposes of subdivision (2) of section 77-3424, new program shall include all first year costs incurred by the county as a result of the changes made in section 5-105 by this act.".
2. Renumber original section 2 as section 3.

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 121A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 142. E & R amendments, AM5110, found in the Journal on page 1401 for the Sixtieth Day were adopted.

Mr. Sieck moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. V. Johnson requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Beyer	Chronister	DeCamp	Fenger	Goll
Goodrich	Hannibal	Hefner	Higgins	Jacobson
Kahle	Kilgarin	Landis	Lundy	Marsh
Pappas	Peterson, H.	Pirsch	Remmers	Rupp
Sieck	Vickers	Von Minden	Wagner	Wiitala
Withem				

Voting in the negative, 8:

Abboud	Haberman	Hoagland	Johnson, V.	Lamb
Newell	Nichol	Wesely		

Present and not voting, 8:

Beutler	Chambers	Fowler	Johnson, L.	Johnson, R.
Labedz	Morehead	Warner		

Excused and not voting, 7:

Barrett	Carsten	Clark	Cullan	Eret
Peterson, R.	Schmit			

Advanced to E & R for Engrossment with 26 ayes, 8 nays, 8 present and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 142 in the Journal. No objections. So ordered.

AM1102

1. In the DeCamp Amendment on page 1323 of the Journal, on page 1, line 2, strike "skeletal system" and insert "spine".

NOTICE OF COMMITTEE HEARING
Judiciary

Governor Appointments, Wednesday, April 20, 1983 12:00 Noon
Teresa Luther - Crime Victims Reparations Board
Ronald Bartee - NE Board of Parole

(Signed) Chris Beutler, Chairperson

VISITORS

Visitors to the Chamber were 40 fourth grade students and teachers from Winsor Elementary, Omaha; 50 fourth grade students and teachers from Morton Elementary, Omaha; 53 students and teachers from St. Mary's, Omaha; 15 fourth grade students and teacher from Trinity Lutheran, Lincoln; and 8 eleventh and twelfth grade students and teachers from Marquette.

RECESS

At 11:57 a.m., on a motion by Mr. Withem, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m, Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Carsten, Clark, R. Peterson, and Schmit who were excused; and Messrs. Abboud, Cullan, Eret, Hoagland, V. Johnson, Landis, and Mrs. Pirsch who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 533. Mr. Vickers asked unanimous consent to withdraw his pending amendment, AM1044, found in the Journal on page 1371. No objections. So ordered.

Mr. Vickers offered the following amendment:

1. Strike the original sections and insert
the following new sections:
"Section 1. (1) The Board of Regents of the
University of Nebraska is hereby authorized to enter
into an agreement with an existing college of veterinary
medicine to admit as students in such college of
veterinary medicine not less than forty students per year from
the University of Nebraska.

(2) In addition to admitting students as prescribed in subsection (1) of this section, the agreement between the University of Nebraska and an existing college of veterinary medicine shall provide that:

(a) The University of Nebraska shall have joint responsibility for establishing policies in matters of curriculum, academic standards, student admissions, and conduct of the program; and

(b) All students enrolled at such college of veterinary medicine shall participate in teaching clinics in Nebraska for a portion of their final year of study.

(3) Pursuant to subdivision (2)(b) of this section, the teaching clinics in Nebraska shall be established at North Platte and Lincoln utilizing to the greatest extent possible existing equipment and facilities at those sites.

Sec. 2. That sections 85-180.01 to 85-180.11, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

Mr. Newell asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vickers moved for a Call of the House. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Beutler	Beyer	Chambers	Fenger	Hannibal
Johnson, V.	Kilgarin	Landis	Marsh	Morehead
Pappas	Pirsch	Rupp	Vickers	Warner
Wiitala				

Voting in the negative, 25:

Abboud	Barrett	Chronister	DeCamp	Fowler
Goll	Goodrich	Haberman	Hefner	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Kahle	Labedz
Lamb	Lundy	Newell	Nichol	Peterson, H.
Remmers	Von Minden	Wagner	Wesely	Withem

Present and not voting, 2:

Higgins Sieck

Excused and not voting, 6:

Carsten Clark Cullan Eret Peterson, R. Schmit

The Vickers amendment lost with 16 ayes, 25 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Messrs. Beutler, Vickers, and Warner offered the following amendment:

1. Strike the original sections and insert the following new sections:

"Section 1. That section 85-180.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-180.03. Each participating state shall pay a portion of the capital construction costs of the jointly utilized facilities. The share paid by each participating state including Nebraska shall be determined by dividing the number of student positions allocated to the state by the number of students determined to be design capacity enrollment for the facility and multiplying this ratio by the annual sum necessary to amortize over a thirty-year period the full cost of the facility less federal funds. This payment shall be made by all participating states other than Nebraska on or before December 31 of each year whether or not a full complement of students from such participating states is enrolled. No interest on capital construction funds shall be considered in determining the amortization costs specified in this section. ~~shall be based upon the number of resident students from such state that use the facilities in proportion to the total number of students using the facilities.~~

The agreements referred to in section 85-180.01 shall provide for the specific number of student positions available to each of the participating states. The aggregate number of student positions allocated to participating states other than Nebraska shall not be less than forty per cent of the total number of student positions for which the facility is

designed. 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, or 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. Payment shall be made on or before December 31 of each year.~~

Sec. 2. That section 85-180.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-180.04. During the planning, development, and operational phases each participating state shall pay its share of the operating costs ~~based on the number of students from each participating state~~ in accordance with the formula set forth in section 85-180.03.

Sec. 3. That section 85-180.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-180.05. The Board of Regents of the University of Nebraska shall not enter into any agreements or contracts pursuant to sections 85-180.01 to 85-180.05 ~~85-180.06~~ until it has been established to the satisfaction of such board that federal funds will be available in an amount sufficient to pay at least fifty per cent of the capital construction costs exclusive of the cost of extending utility services and providing works of art.

Sec. 4. That Laws 1981, LB 245A, section 7, be amended to read as follows:

Sec. 7. ~~The Legislature shall not acknowledge or reaffirm the appropriations made in~~ No state appropriation for capital construction funds, other than funds authorized by section 32 of Legislative Bill 630, Eighty-eighth Legislature, First Session, 1983, if enacted, shall be obligated, no bonds authorized by sections 3 to 6 of this act shall be issued, and no construction bids shall be let until (1) the Board of Regents has certified to the Legislature and the Governor that the Board of Regents has entered into agreements authorized by the appropriate designated authority of two or more participating states approving payment of the participating states' portion of the capital construction costs of the facilities as provided

in section 85-180.03, (2) ~~(1) an estimated thirteen million, three hundred eighty-one thousand, seven hundred ninety-four dollars of federal funds have been appropriated to aid in constructing the Regional College of Veterinary Medicine, (2) the Board of Regents has entered into an agreement with two or more states which will participate in the veterinary medicine program and pay the appropriate annual student fees for each state's share of the capital facility, operating costs, and other fees as may be required, and (3)~~ one million, five hundred thousand dollars of private funds have been pledged to the University of Nebraska Foundation for the purpose of supporting a program of veterinary medicine, and (3) the federal government has appropriated four million dollars of the total cost in federal construction funds required in addition to the eight hundred twenty-seven thousand dollars already authorized and appropriated for this project.

Sec. 5. This act shall terminate on December 31, 1986.

Sec. 6. That original sections 85-180.03, 85-180.04, and 85-180.05, Reissue Revised Statutes of Nebraska, 1943, and Laws 1981, LB 245A, section 7, and also sections 85-180.06 and 85-180.11, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

Messrs. Wiitala, Withem, and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Beutler et al amendment was adopted with 27 ayes, 2 nays, 11 present and not voting, and 9 excused and not voting.

Mr. Haberman requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Beutler	Beyer	Chronister	DeCamp	Fowler
Goll	Goodrich	Haberman	Hefner	Higgins
Jacobson	Johnson, L.	Johnson, R.	Kahle	Kilgarin
Labedz	Lamb	Lundy	Newell	Nichol
Peterson, H.	Remmers	Rupp	Sieck	Von Minden
Wagner	Wesely			

Voting in the negative, 6:

Fenger	Hannibal	Landis	Marsh	Pappas
Pirsch				

Present and not voting, 7:

Barrett	Chambers	Hoagland	Johnson, V.	Morehead
Vickers	Warner			

Excused and not voting, 9:

Abboud	Carsten	Clark	Cullan	Eret
Peterson, R.	Schmit	Wiitala	Withem	

Advanced to E & R for Engrossment with 27 ayes, 6 nays, 7 present and not voting, and 9 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 94, 173, 207, 476, and 538.

(Signed) Rod Johnson, Chairperson

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 290. Placed on General File.

LEGISLATIVE BILL 419. Placed on General File as amended.
Standing Committee amendments to LB 419:
AM1099

1. On page 2, line 9, strike ", except that" and insert "and"; in line 11 after "age" insert ", except that this subsection shall not be construed to limit the authority of school boards of Class I, II, or III school districts to offer kindergarten programs in any combination of days and hours as will be equal to one half of a full school year as provided in section 79-549"; strike lines 12 through 14; in line 15 strike "(3)" and insert "(2)"; in line 19 strike "may" and insert "shall"; and in line 20 strike "and".

2. On page 3, line 11, strike the new matter

and reinstate the stricken matter; and in line 22 after "examined" insert "and

(4) 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 or she is capable of carrying the work of those grades".

LEGISLATIVE BILL 332. Indefinitely postponed.
LEGISLATIVE BILL 437. Indefinitely postponed.
LEGISLATIVE BILL 613. Indefinitely postponed.

(Signed) Tom Vickers, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendments to LB 336 in the Journal. No objections. So ordered.

(1)

AM1056

1. On page 11, line 17, after "states" insert ", except that no contract shall be awarded pursuant to this section without competitive bidding".

(2)

AM1057

1. On page 5, strike lines 15 and 16; in line 17 strike "(7)" and insert "(6)"; and in line 24 strike "(8)" and insert "(7)".

2. On page 6, line 3, strike "(9)" and insert "(8)"; in line 5 strike "(10)" and insert "(9)"; in line 11 strike "(11)" and insert "(10)"; in line 14 strike "(12)" and insert "(11)"; and in line 21 strike "(13)" and insert "(12)".

3. On page 7, line 24, strike "(14)" and insert "(13)".

The Appropriations Committee asked unanimous consent to print the following amendments to LB 628 in the Journal. No objections. So ordered.

(1) PURPOSE: To revise budget program title in Supreme Court; to move the reappropriation language in the Department of Aeronautics from Program 26 to Program 301; to correct program total for Kearney State College; to change Commission on Aging to Department on Aging; and to correct trust fund reference in Public Employees Retirement Board.

AMENDMENT:

On page 4, in line 18, strike "047-Court Administrator" and insert "052-Operations".

On page 21, strike the language in lines 20 through 23.

On page 22, after line 7, insert "There is hereby reappropriated $100,000 of the unexpended June 30, 1983, cash fund balance to be used to construct a new building for storage, shop and office space for the Navigational Aids Division in Kearney."

On page 74, in line 25, strike "18,557,554" and insert "18,571,646".

On page 96, in lines 9 and 11, strike "Commission" and insert "Department".

On page 125, in line 10, strike "Employees' " and insert "Employer's".

On page 129, in line 11, strike "Commission" and insert "Department".

(2) PURPOSE: To increase amount designated as state aid pursuant to Senator Lamb's amendment adopted on General File.

AMENDMENT:

On page 13, in line 16, strike "137,628,950" and insert "137,634,325".

(3) PURPOSE: To remove reference to specific dollar amount of federal funds transferred to the Title XX Social Services Block Grant.

AMENDMENT:

On page 47, strike lines 1 and 2 and insert "for the fiscal year ending June 30, 1984, ten percent of the federal funds received by the State of Nebraska for the Low Income Energy Assistance Program, as provided by Title XXVI of the Omnibus Reconciliation Act of 1981, Public Law 97-208, be transferred to the Title XX Social Services".

(4) PURPOSE: To fund personnel, equipment, and operating costs of the State Health Laboratory assocated with increased fee collection activities.

AMENDMENT:

On page 29, in line 17, strike "889,511" and insert "927,816"; in line 19, strike "2,491,012" and insert "2,529,317"; in line 22, strike "1,278,879" and insert "1,283,952"; on page 30, in line 3, strike "185,000" and insert "223,305 and the limitation on total expenditures for permanent and temporary salaries and per diems for state

employees shall be decreased by 5,073"; on page 33, in line 4, strike "3,452,683" and insert "3,490,988"; in line 6, strike "19,754,126" and insert "19,792,431".

(5) PURPOSE: To increase salary limitation for Agency 68 - Mexican American Commission and Agency 50-2 - Kearney State College and to decrease salary limitation for Agency 78 - Commission on Law Enforcement and Criminal Justice, Program 201 - Crime Victim - Witness Assistance.

AMENDMENT:

On page 75, in line 1, strike "$10,404,155" and insert "$10,458,241".

On page 94, in line 27, strike "147,965" and insert "149,852".

On page 102, in line 5, strike "13,025" and insert "8,025".

(6) PURPOSE: To include legislative intent language to ensure that the Department of Administrative Services Gift Shop remains in operation.

AMENDMENT:

On page 93, after line 12, insert "It is the intent of the Legislature that the Department of Administrative Services Gift Shop, Spirit of the Prairie, remain in operation during 1983-84. There is included in the appropriation to this program $87,229 Cash Funds for the operation of the gift shop."

(7) PURPOSE: To transfer $89,300 from the Department of Administrative Services Central Stores Revolving Fund to the Central Services Revolving Fund for the replacement of equipment.

AMENDMENT:

On page 92, after line 8, insert "The State Treasurer is hereby directed to transfer eighty-nine thousand three hundred dollars from the Department of Administrative Services Central Stores Revolving Fund to the Central Services Revolving Fund on or before June 1, 1984."

(8) PURPOSE: To increase cash fund appropriation to Nebraska Wheat Development, Utilization, and Marketing Board by $162,575 ($604,157 to $766,732) to reflect the Wheat Board's increase of the check-off from .5¢ per bushel to .75¢ per bushel.

AMENDMENT:

On page 88, in lines 21 and 22, strike "604,157" and insert "766,732".

(9) PURPOSE: (a) Increase General Fund appropriation to Region III community-based mental retardation by $77,328 to provide continuation funding for clients placed during 1981-82 that were unintentionally excluded in the calculations used by the Committee; (b) Decrease the salary for the Director of Department of Public Institutions by $19,106 to reflect the salary of the new director; (c) Decrease General Fund appropriation and increase amount

reappropriated to the Beatrice State Developmental Center by $40,000 to reflect higher than projected unexpended balance in Program 035 - Mental Retardation Improvement; and (d) Decrease General Fund appropriation to the Beatrice State Developmental Center by $25,548 which is the benefits related to the Committee's initial budget reduction to reflect actual staffing based upon a declining population.

AMENDMENT:

On page 40, in lines 24, 25 and 27, strike "18,202,187" and insert "18,279,515".

On page 42, in line 8, strike "2,818,109" and insert "2,895,437"; in line 12, strike "5,728,101" and insert "5,805,429".

On page 43, in line 5, strike "18,202,187" and insert "18,279,515"; in line 9, strike "31,856,596" and insert "31,933,924"; in line 11, strike "560,977" and insert "638,305".

On page 38, in line 25, strike "6,167,579" and insert "6,148,473"; in line 27, strike "7,954,774" and insert "7,935,668".

On page 39, in line 3, strike "2,203,830" and insert "2,184,724".

On page 40, in line 11, strike "5,040,759" and insert "4,975,211"; in line 14, strike "17,091,548" and insert "17,026,000"; in line 21, strike "225,000" and insert "265,000".

On page 44, in line 17, strike "57,607,253" and insert "57,599,927"; in line 20, strike "91,220,938" and insert "91,213,612".

(10) PURPOSE:

To increase the General Fund appropriation ($1,150) and salary limitation for the Department of Personnel, Program 607, for the increased salary of the new Affirmative Action Administrator.

AMENDMENT:

On page 103, in lines 17 and 18, strike "76,942" and insert "78,092"; in line 20, strike "56,741" and insert "57,941"; in line 23, strike "624,473" and insert "625,623"; in line 25, strike "1,031,696" and insert "1,032,846".

(11) PURPOSE:

To add $75,000 General Funds for equipment purchases for the new addition to the Calvin T. Ryan library at Kearney State College for FY 1983-84.

AMENDMENT:

On page 74, in line 21, strike "9,724,120" and insert "9,799,120", and in line 25, strike 18,557,554" and insert "18,646,646".

On page 75, in line 12, strike "9,774,120" and insert "9,849,120", and in line 16, strike "18,671,646" and insert "18,746,646".

(12) PURPOSE:

To add language that would revise the appropriation if the one cent earmark of the cigarette tax for the Nebraska Cancer Research Fund is not repealed by LB 192: (a) Decrease General Fund, increase cash fund by $500,000 at the Unviersity of Nebraska Medical Center for the

Eppley Institute for Research in Cancer and Allied Diseased; (b) Decrease General Fund by $320,000, increase cash fund by $1,220,000 for the Department of Health - Program 622 - Smoking Disease and Cancer Research; and (c) Appropriate $1,720,000 from the General Fund to the Nebraska Capital Construction Fund.
AMENDMENT:

On page 32 after line 27, insert: "The General Fund appropriation to this program shall be decreased by $320,000 and there is hereby appropriated $1,220,000 from the Nebraska Cancer Research Fund to this program and there is hereby appropriated $1,220,000 from the General Fund to the Nebraska Capital Construction Fund if the provision for the equivalent of one cent of the cigarette tax to be placed in the Nebraska Cancer Research Fund during 1983-84 as provided for in LB 192, Eighty-eighth Legislature, First Session, 1983, becomes law."

On page 81, after line 18, insert: "The General Fund appropriation for expenditure by the University of Nebraska - Medical Center shall be decreased by $500,000 and there is hereby appropriated $500,000 from the Nebraska Cancer Research fund to the Board of Regents of the University of Nebraska for expenditure by the University of Nebraska - Medical Center and there is hereby appropriated $500,000 from the General Fund to the Nebraska Capital Construction Fund if the provision for the equivalent of one cent of the cigarette tax to be placed in the Nebraska Cancer Research Fund during 1983-84 as provided for in LB 192, Eighty-eighth Legislature, First Session, 1983, becomes law."

The Appropriations Committee asked unanimous consent to print the following amendment to LB 630 in the Journal. No objections. So ordered.

PURPOSE: To provide an additional $100,000 in cash fund appropriation for construction of the Western Nebraska Veterans Home addition by appropriating $600,000 in lieu of a reappropriation of the unexpended balance ($500,000).
AMENDMENT:

1. Add a new section:

"Sec. 46. 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 $600,000 from Veterans' Home Building Fund and any available federal funds for the fiscal year ending June 30, 1984, for such nursing beds."

2. On page 25, line 22, strike "984".

3. Renumber original sections 46 to 51 as sections 47 to 52.

The Appropriations Committee asked unanimous consent to print the following amendment to LB 608 in the Journal. No objections. So ordered.

PURPOSE: To amend the appropriation for the Tax Commissioner's salary and benefits to reflect actual retirement and insurance coverage.
AMENDMENT:

In the Standing Committee Amendments to LB 608, AM0890, as shown on page 1167 of the Journal, in line 8, strike "53,135" and insert "49,051".

The Appropriations Committee asked unanimous consent to print the following amendment to LB 629 in the Journal. No objections. So ordered.

PURPOSE: To add language limiting the amount of the appropriation which may be spent on permanent and temporary salaries and per diems.

AMENDMENT: On page 6, after line 14, insert "Total expenditures for permanent and temporary salaries and per diems shall not exceed $50,128."; and after line 24, insert "Total expenditures for permanent and temporary salaries and per diems shall not exceed "$19,254.".

The Appropriations Committee asked unanimous consent to print the following amendment to LB 617 in the Journal. No objections. So ordered.

(1) PURPOSE: Provide that the system of charges apply to storage of records other than essential records and preservation duplicates, and provide that the fees cover the actual costs of operating the storage facilities.

AMENDMENT: In the standing committee amendments to LB 617, AM0848, found in the Journal on page 1171, on page 5, line 2, strike "and" and insert a comma; in line 3 after "duplicate" insert "and other state records"; and in line 6, after the period, insert "The system of charges shall, as nearly as may be practical, cover the actual costs of operating the storage facilities."

(2) PURPOSE: To add an operative date of July 1, 1983, and declare an emergency.
AMENDMENT:

1. Insert the following new sections:

"Sec. 27. This act shall become operative on July 1, 1983. Sec. 29. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

2. On page 1, line 10, strike "and" and insert "to provide an

operative date;"; and in line 11, after "sections" insert "; and to declare an emergency".

3. Renumber remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 319. Mr. Barrett offered the following amendment:

AM1069

1. Strike the Wesely et al. amendment,
AM0726, on page 968 of the Journal.

Mr. Wesely 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 14 ayes, 0 nays, and 35 not voting.

The motion to cease debate prevailed with 25 ayes, 6 nays, and 18 not voting.

Mr. Barrett requested roll call vote on his amendment.

Voting in the affirmative, 18:

Barrett	Chambers	Fenger	Fowler	Hannibal
Hoagland	Johnson, R.	Johnson, V.	Kilgarin	Lundy
Marsh	Morehead	Newell	Pappas	Pirsch
Rupp	Vickers	Wagner		

Voting in the negative, 22:

Abboud	Beutler	Beyer	Chronister	DeCamp
Goll	Goodrich	Haberman	Hefner	Jacobson
Johnson, L.	Kahle	Labedz	Lamb	Landis
Nichol	Peterson, H.	Remmers	Sieck	Von Minden
Warner	Wesely			

Present and not voting, 1:

Higgins

Excused and not voting, 8:

Carsten	Clark	Cullan	Eret	Peterson, R.
Schmit	Wiitala	Withem		

The Barrett amendment lost with 18 ayes, 22 nays, 1 present and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

Mrs. Higgins requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 27 ayes, 9 nays, 5 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 628 in the Journal. No objections. So ordered.

(1)

AM1103

1. Strike original section 47 and insert the following new section:

"Sec. 47. There is hereby appropriated to the Board of Regents of the University of Nebraska for expenditure for the University of Nebraska the following sums of money.

GENERAL FUND 143,591,863

TOTAL 143,591,863

The appropriations made by this section are lump-sum appropriations and are not earmarked by the Legislature for any specific programs within the university because the power to allocate such appropriations within the university system belongs solely to the Board of Regents of the University of Nebraska as a result of Board of Regents v. Exon, 199 Neb. 146, 256 N.W.2d 330 (1977).".

(2)

AM1113

1. Strike original section 47 and insert the following new section:

"Sec. 47. There is hereby appropriated to the Board of Regents of the University of Nebraska for expenditure for the University of Nebraska the following sums of money.

GENERAL FUND 147,591,863

TOTAL 147,591,863

The appropriations made by this section are lump-sum appropriations and are not earmarked by the

Legislature for any specific programs within the university because the power to allocate such appropriations within the university system belongs solely to the Board of Regents of the University of Nebraska as a result of Board of Regents v. Exon, 199 Neb. 146, 256 N.W.2d 330 (1977).".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 343 in the Journal. No objections. So ordered.

AM1068

(Amendments to Standing Committee Amendments)

1. Strike sections 3 and 6 and insert the following new sections:

"Sec. 2. Upon receipt of a financing statement, an amendment to a financing statement, an assignment, a continuation statement, a termination statement, or a release of collateral, relating to equipment used in farming operations or farm products, including crops growing or to be grown and farm products which become inventory of a person engaged in farming, each county clerk shall immediately transmit to the Secretary of State the following document information:

(1) Identification of the document;

(2) Document number;

(3) Name and address of the debtor or debtors;

(4) Name and address of the creditor or creditors;

(5) Type or types of goods covered;

(6) Date and time of filing; and

(7) Social security or federal identification number of the debtor or debtors, if available.

Sec. 8. There is hereby created the Uniform Commercial Code Cash Fund. All funds received pursuant to section 9-403, Uniform Commercial Code, shall be placed in the fund and used by the Uniform Commercial Code Filing Council to carry out its duties pursuant to sections 5 and 6 of this act. On and after December 31, 1986, money in the fund shall be used by the Secretary of State to carry out sections 1 to 3 of this act and sections 9-401, 9-403, 9-411, and 9-412, Uniform Commercial Code.".

2. On page 2, line 8, strike "2" and insert "3".

3. On page 3, strike beginning with the comma in line 10 through "functions" in line 12 and insert

"which may do all things necessary to carry out its duties pursuant to sections 5 and 6 of this act".

4. On page 4, strike beginning with "person" in line 2 through "Association" in line 3 and insert "attorney licensed to practice in Nebraska"; in line 9 strike "a recommended" and insert "or recommending a"; in line 10 strike "2" and insert "1"; in line 11 after "act" insert "and sections 9-401, 9-403, 9-411, and 9-412, Uniform Commercial Code,"; in line 13 strike "the" and insert "such" and strike beginning with the first "of" through "act"; strike lines 14 through 16 and insert "Such system or systems shall be designed so that for liens arising under Chapter 52, articles 5, 7, 9, 10, and 11, and Chapter 54, article 2, information similar to that required by section 2 of this act may be transmitted and made available in the same manner as provided in sections 1 to 8 of this act for Uniform Commercial Code Filings.

Estimates of the costs of such recommendations shall be made, including the costs of computer terminals, line costs, and other associated costs for each county. The council shall recommend a schedule of fees adequate to meet all such costs.".

5. On page 5, line 11, strike "2" and insert "1" and after "act" insert "and sections 9-401, 9-403, 9-411, and 9-412, Uniform Commercial Code".

6. On page 6, strike lines 15 through 19 and insert:

"(2) An action to recover collateral (a) the possession and ownershipof which a debtor has in any manner transferred to another party and (b) which was used as security to guarantee payment pursuant to an agreement, contract, or promise in writing which covers farm products as described in section 9-109, Uniform Commercial Code, or farm products which become inventory of a person engaged in farming, shall be brought within eighteen months from the date possession and ownership of such collateral was transferred.".

7. On page 7, strike lines 16 through 26 and insert:

"(4) A buyer who purchases farm products or a person who sells farm products for another for a fee or commission shall pay the seller the total purchase price by means of a check payable to such seller and to a security interest holder specified by such seller. If

the security interest holder authorizes the cashing of the check, such buyer or person shall be free of any security interest in such farm products up to the amount of the check. Any such buyer or person who does not include the name of a security interest holder on the check shall take the farm products subject to any valid security interest which may exist in such farm products.".

8. On page 8, strike lines 1 through 26.

9. On page 9, strike lines 1 through 11; in line 12 strike "(8)" and insert "(5)" and strike "(7)" and insert "(4)"; and in line 22 strike the first "grown" and insert "growing".

10. On page 13, in lines 19 through 26, strike the new matter.

11. On page 14, strike lines 1 through 5.

12. On page 16, line 17, after "state" insert "for deposit in the Uniform Commercial Code Cash Fund"; after line 17 insert:

"(10) The Secretary of State shall deposit two dollars of each five dollar fee received by him or her pursuant to subsection (5) of this section in the Uniform Commercial Code Cash Fund."; and in line 18 strike "(10)" and insert "(11)".

13. On page 17, in lines 11 through 16, reinstate the stricken matter; and in line 26 after "shall" insert ", not later than January 1, 1985,".

14. On page 18, strike beginning with "transferred" in line 8 through the semicolon in line 9 and show the old matter as stricken; and in lines 23 through 26, strike the new matter and reinstate the stricken matter.

15. On page 19, in lines 1 through 8, reinstate the stricken matter.

16. Renumber original sections accordingly.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 619 in the Journal. No objections. So ordered.

AM1100

1. Strike the Standing Committee Amendments, AM0832.

2. Strike original section 2 and insert the following new sections:

"Section 1. That section 77-2716, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

77-2716. (1) There shall be added to ~~subtracted from~~ federal taxable income interest or dividends on obligations of any state or the political subdivisions of any state. ~~the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent includible in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States; Provided, that the amount subtracted under the provisions of this subsection shall be reduced by any interest on indebtedness incurred to carry the obligations or securities described in this subsection, and by any expenses incurred in the production of interest or dividend income described in this subsection to the extent that such expenses, including amortizable bond premiums, are deductible in determining federal taxable income.~~

(2) There shall be added to or subtracted from federal taxable income, as the case may be, the taxpayer's share of the fiduciary adjustment determined under the provisions of section 77-2720.

Sec. 3. That section 77-2741, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2741. Interest and dividends are allocable to this state if the taxpayer's commercial domicile is in this state. ~~, subject to the modifications provided by section 77-2716.~~".

3. On page 3, line 3, after "its" insert "(a)"; strike the new matter in lines 3 and 4; and strike beginning with "without" in line 6 through "77-2741" in line 7, show as stricken, and insert "and (b) interest on obligations of any state or the political subdivisions of any state".

4. On page 7, line 20, after "original" insert "sections 77-2716 and 77-2741, Reissue Revised Statutes of Nebraska, 1943, and"; and in line 21 strike "is" and insert "are".

5. Renumber remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 225. Mr. Newell offered the following amendment:

To exempt those individuals over 65 years of age.

The amendment was adopted with 26 ayes, 3 nays, 12 present and not voting, and 8 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hefner moved for a Call of the House. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Hannibal requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 28:

Abboud	Barrett	Beyer	Chronister	DeCamp
Fenger	Goll	Goodrich	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Kahle	Kilgarin
Labedz	Landis	Lundy	Marsh	Newell
Pappas	Peterson, H.	Pirsch	Remmers	Rupp
Wagner	Warner	Wesely		

Voting in the negative, 10:

Chambers	Fowler	Hannibal	Johnson, R.	Johnson, V.
Lamb	Nichol	Sieck	Vickers	Von Minden

Present and not voting, 2:

Beutler	Morehead

Excused and not voting, 9:

Carsten	Clark	Cullan	Eret	Haberman
Peterson, R.	Schmit	Wiitala	Withem	

Advanced to E & R for Engrossment with 28 ayes, 10 nays, 2 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 225A. Advanced to E & R for Engrossment with 26 ayes, 10 nays, 5 present and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 236. E & R amendments, AM5087, found in the Journal on page 1247 for the Fifty-Fifth Day were adopted.

MRS. MARSH PRESIDING

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 366. Mr. R. Johnson renewed his pending amendment, AM0912, found in the Journal on page 1158.

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.

UNANIMOUS CONSENT - Print in Journal

Mr. Remmers asked unanimous consent to print the following amendment to LB 117 in the Journal. No objections. So ordered.

AM1088

1. Insert the following new sections:

"Section 1. That section 25-205, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-205. (1) Except as provided in subsections (2) and (3) of this section, an ~~An~~ action upon a specialty, or any agreement, contract or promise in writing, or foreign judgment, can only be brought within five years. ~~; Provided that no~~

(2) No action at law or equity may be brought or maintained attacking the validity or enforceability of or to rescind or declare void and uncollectible any written contract entered into pursuant to, in compliance with, or in reliance on, a statute of the State of Nebraska which has been or hereafter is held to be unconsitutional by the Supreme Court of Nebraska where such holding is the basis for such action, unless such action be brought or maintained within one year from the effective date of such decision. ~~or within one year from November 22, 1963, whichever is the latest in time; and provided further, that the~~

(3) An action upon a breach of an agreement, contract, or promise in writing which covers farm products, including livestock, as described in section 9-109, Uniform Commercial Code, shall be brought within eighteen months from the date of the breach involved.

(4) The provisions of this section ~~hereof~~ shall not operate to extend the time in which to bring

any action or to revive any action now barred by reason of the operation of any previously existing limitation provisions.

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. On page 2, lines 5 and 6, strike the new matter and reinstate the stricken matter; strike lines 22 through 26 and insert:

"(4) A buyer who purchases farm products, including livestock, or a person who sells farm products, including livestock, for another for a fee or commission shall pay the seller the total purchase price by means of a check payable to such seller and a lending institution who shall be specified by such seller, and if the lending institution authorizes the cashing of such check, such buyer or person shall be free of any security interest in such farm products, including livestock, held by any security interest holder, up to the amount of the check. Any such buyer or person who does not include the name of a lending institution on such check shall take such farm products, including livestock, subject to any valid security interest which may exist in such farm products, including livestock.";

and in line 27 after "original" insert "section 25-205, Reissue Revised Statutes of Nebraska, 1943, and".

3. On page 3, line 1, strike "is" and insert "are".

4. Renumber original sections 1 and 2 as sections 2 and 3, respectively.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 630 in the Journal. No objections. So ordered.

PURPOSE: To delete appropriations to the University of Nebraska for acquisition of computer equipment ($600,000) and miscellaneous renovations ($150,000).

AMENDMENT:

1. Strike original sections 14 and 17.
2. Renumber original sections accordingly.

Mr. Remmers asked unanimous consent to print the following amendment to LB 343 in the Journal. No objections. So ordered.

AM1120

(Amendments to Standing Committee Amendments, AM0665)

1. On page 6, line 15, after "upon" insert "a breach of"; in line 16 after "products," insert "including livestock,"; and in line 19 strike "transaction" and insert "breach".

2. On page 7, strike lines 16 through 26.

3. On page 8, strike lines 1 through 26.

4. On page 9, strike lines 1 through 11 and insert:

"(4) A buyer who purchases farm products, including livestock, or a person who sells farm products, including livestock, for another for a fee or commission shall pay the seller the total purchase price by means of a check payable to such seller and a lending institution who shall be specified by such seller, and if the lending institution authorizes the cashing of such check, such buyer or person shall be free of any security interest in such farm products, including livestock, held by any security interest holder up to the amount of the check. Any such buyer or person who does not include the name of a lending institution on such check shall take such farm products, including livestock, subject to any valid security interest which may exist in such farm products, including livestock.";

and in line 12 strike "(8)" and insert "(5)" and strike "(7)" and insert "(4)".

SELECT FILE

LEGISLATIVE BILL 412. E & R amendment, AM5086, found in the Journal on page 1247 for the Fifty-Fifth Day was adopted.

Mr. Warner offered the following amendment:
AM0820

1. On page 3, line 9, after "at" insert "either"; in line 11, strike "and" and insert "or"; in line 13 after "Roads" insert ", and such fees shall be paid at the first available location, whether that be a weighing station or a vendor station".

2. Insert a new section as follows:

"Sec. 2. That section 60-1306, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1306. The peace officers shall have the power (1) of peace officers for the purpose of enforcing the laws relating to the trip permit provided for in section 66-410.03 and to the size, weight, load, and

registration of towed vehicles, buses, motor trucks, truck-tractors, and trailers, and (2) to make arrests upon view and without warrant for any violation committed in their presence of the laws referred to in subdivision (1) of this section.".

3. On page 8, line 24, after the period insert "Trip permits shall be obtained at the first available location, whether that be a weighing station or a vendor station.".

4. On page 9, line 9, after "60-305.03" insert ", 60-1306,".

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 Engrossment.

LEGISLATIVE BILL 273. E & R amendment, AM5092, found in the Journal on page 1306, for the Fifty-Seventh Day was adopted.

Mrs. Higgins renewed her pending amendment, AM0563, found in the Journal on page 1350.

The amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mrs. Higgins renewed her pending amendment found in the Journal on page 1350.

Mr. Rupp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Higgins moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The Higgins amendment was adopted with 25 ayes, 3 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Hefner asked unanimous consent to withdraw his pending amendment found in the Journal on page 1330. No objections. So ordered.

Mr. Hefner offered the following amendment:

1. On page 3, line 8, strike "ninety" and insert "one hundred twenty".

2. On page 4, strike beginning with "be" in line 1 through "hours"

in line 2, and insert "include"; and in line 3, strike "fifteen hours of".

3. On page 4, strike beginning with "Failure" in line 14 through "revocation" in line 15.

4. Renumber remaining section, Section 5

Mrs. Higgins requested a division of the question on the Hefner amendment.

The Chair sustained the division of the question.

The first Hefner amendment is as follows:

1. On page 3, line 8, strike "ninety" and insert "one hundred twenty".

Mr. Hefner requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Abboud	Barrett	Beyer	Fenger	Goll
Hannibal	Hefner	Jacobson	Johnson, L.	Johnson, R.
Kahle	Lamb	Landis	Morehead	Newell
Nichol	Pappas	Peterson, H.	Remmers	Sieck
Vickers	Von Minden	Wagner		

Voting in the negative, 13:

Chambers	DeCamp	Eret	Fowler	Haberman
Higgins	Johnson, V.	Kilgarin	Labedz	Marsh
Warner	Wesely	Wiitala		

Present and not voting, 5:

Beutler	Chronister	Hoagland	Lundy	Pirsch

Absent and not voting, 1:

Goodrich

Excused and not voting, 7:

Carsten	Clark	Cullan	Peterson, R.	Rupp
Schmit	Withem			

The first Hefner amendment lost with 23 ayes, 13 nays, 5 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The second Hefner amendment is as follows:

2. On page 4, strike beginning with "be" in line 1 through "hours" in line 2, and insert "include"; and in line 3, strike "fifteen hours of".

The second Hefner amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

The third Hefner amendment is as follows:

3. On page 4, strike beginning with "Failure" in line 14 through "revocation" in line 15.

4. Renumber remaining section, Section 5

The Chair declared the Call raised.

Messrs. R. Johnson and Barrett asked unanimous consent to be excused. No objections. So ordered.

The third Hefner amendment lost with 7 ayes, 16 nays, 17 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Kahle asked unanimous consent to be excused Wednesday, Thursday, and Friday, April 13-15. No objections. So ordered.

VISITORS

Visitors to the Chamber were 30 fourth grade students, teacher, and sponsors from Plattsmouth Central Elementary; and 20 eighth grade students and teachers from Scribner.

ADJOURNMENT

At 4:48 p.m., on a motion by Mr. Abboud, the Legislature adjourned until 9:00 a.m., Wednesday, April 13, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-THIRD DAY - APRIL 13, 1983

LEGISLATIVE JOURNAL

SIXTY-THIRD DAY - APRIL 13, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

SIXTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 13, 1983

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

PRAYER

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

ROLL CALL

The roll was called and all members were present except Messrs. Beyer, Kahle, and Mrs. Labedz who were excused; and Messrs. Chambers, Chronister, Clark, Cullan, Goodrich, Hoagland, V. Johnson, Landis, Schmit, Vickers, Wesely, Wiitala, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1465, line 2, strike "Diseased" and insert "Diseases".
The Journal for the Sixty-Second Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 498. Placed on Select File as amended.
E & R amendments to LB 498:
AM5117
1. On page 1, in line 5, after "provide"
insert "the State Fire Marshal with certain inspection".
2. In the Standing Committee amendments, on
page 12, line 11, reinstate the first stricken comma.

LEGISLATIVE BILL 468. Placed on Select File as amended.
E & R amendment to LB 468:

AM5114

1. On page 1, line 4, after "investments" insert "; to provide an operative date; and to declare an emergency".

LEGISLATIVE BILL 264. Placed on Select File as amended.
E & R amendment to LB 264:
AM5120

1. In the Standing Committee amendments, page 3, line 7, after "ACT" insert "relating to agriculture;"; in lines 8 and 9, strike ", relating to livestock"; and in line 11 after the first semicolon insert "to eliminate certain provisions relating to agricultural premiums and diseased animals;".

LEGISLATIVE BILL 268. Placed on Select File as amended.
E & R amendment to LB 268:
AM5118

1. In the Standing Committee amendments, on page 1, line 17, after "benefit" insert an underscored comma.

LEGISLATIVE BILL 618. Placed on Select File.

LEGISLATIVE BILL 607. Placed on Select File as amended.
E & R amendment to LB 607:
AM5119

1. On page 3, line 12, after "Committee" insert an underscored comma.

LEGISLATIVE BILL 192. Placed on Select File as amended.
E & R amendment to LB 192:
AM5116

1. On page 1, line 3, strike "section" and insert "sections" and after "77-2602" insert "and 81-641"; and in line 5 strike "to eliminate a required appropriation" and insert "to create a fund; to modify provisions relating to appropriations for cancer research; to rename a fund; to harmonize provisions".

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Higgins asked unanimous consent to print the following amendment to LB 273 in the Journal. No objections. So ordered.

On line 5 of the Standing Committee Amendment strike the "." after the word "orderly" and insert the following: "if satisfactory evidence is submitted to the Department that such employee has successfully completed a course of training comparable to that required by this act."

Mr. Hoagland asked unanimous consent to print the following amendment to LB 410 in the Journal. No objections. So ordered.

AM1090

1. Insert the following new sections:

"Sec. 8. The Legislature finds that traffic in metropolitan class cities is heavy and contributes to many traffic problems, including the lack of adequate parking facilities, and that finding a solution to such problems is a matter of statewide concern. Metropolitan class cities serve many students attending institutions of higher education and such students must travel regularly to and from classes thereby severely increasing the traffic problems within a concentrated area surrounding such institutions. Limited availability of space which contributes to the high cost of property and rising construction costs and increasing transportation expenses all add to the economic difficulties encountered in solving such problems.

Sec. 9. There is hereby appropriated twenty-five thousand dollars from the General Fund for the period July 1, 1983, to June 30, 1984, to the University of Nebraska for consulting planning services to study space requirements and future expansion options of the University of Nebraska at Omaha. The study shall be conducted by the firm selected pursuant to section 10 of this act and shall utilize existing data regarding the University of Nebraska at Omaha's current and projected space requirements including classroom, laboratory, office, study, special and general use space, and parking. The study shall determine whether the University of Nebraska at Omaha's current and projected needs can be met without further land acquisition by more efficient utilization of the existing campus, including the Peter Kiewit Conference Center, and shall document the costs of the options.

Sec. 10. There is hereby created a five-member commission for the purpose of hiring an architectural or engineering firm to undertake the study described in section 9 of this act. The commission

shall be composed of (1) two representatives from the University of Nebraska at Omaha appointed by the chancellor, (2) two representatives of the neighborhood located in the areas of potential expansion adjacent to the University of Nebraska at Omaha appointed by the state senator of the district in which the University of Nebraska at Omaha is located, and (3) the state senator of the district in which the University of Nebraska at Omaha is located. For purposes of hiring such architectural or engineering firm pursuant to this section, the public letting requirements of Chapter 73, article 1, shall not apply.

Sec. 11. The commission created in section 10 of this act shall conduct a study to determine the effectiveness of the reduced fares offered by Metro Area Transit and report the results of such study to the Legislature by June 30, 1984.

Sec. 12. The University of Nebraska at Omaha is hereby prohibited from further expansion of its westward campus boundaries by the acquisition or purchase of residential or park land until the study provided for in sections 9 and 10 of this act is completed.".

2. In the Standing Committee amendments on page 5, line 5, before "(3)" insert "and"; and strike beginning with the semicolon in line 8 through "dollars" in line 11.

3. Renumber the remaining section accordingly.

SELECT FILE

LEGISLATIVE BILL 605. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 608. Mr. Warner renewed his pending amendment found in the Journal on page 1466.

The amendment was adopted with 27 ayes, 0 nays, 6 present and not voting, and 16 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 628. E & R amendments, AM5104, found in the Journal on page 1355 for the Fifty-Eighth Day were adopted.

Mr. Goll renewed his pending amendment found in the Journal on page

1321.

Mr. DeCamp requested a record vote on the Goll amendment.

Voting in the affirmative, 26:

Barrett	Chronister	Cullan	Eret	Fenger
Goll	Goodrich	Haberman	Hefner	Higgins
Jacobson	Johnson, L.	Johnson, V.	Lamb	Landis
Lundy	Newell	Nichol	Pappas	Pirsch
Remmers	Rupp	Sieck	Von Minden	Wagner
Wittala				

Voting in the negative, 12:

Carsten	DeCamp	Fowler	Hannibal	Johnson, R.
Kilgarin	Marsh	Morehead	Peterson, H.	Warner
Wesely	Withem			

Present and not voting, 4:

Abboud	Beutler	Peterson, H.	Vickers

Excused and not voting, 7:

Beyer	Chambers	Clark	Hoagland	Kahle
Labedz	Schmit			

The Goll amendment was adopted with 26 ayes, 12 nays, 4 present and not voting, and 7 excused and not voting.

Mr. Warner renewed the pending Appropriations Committee amendment found in the Journal on page 1461.

The amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. DeCamp renewed his pending amendment, AM1113, found in the Journal on page 1468.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. 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 on his amendment.

Voting in the affirmative, 26:

Abboud	Cullan	DeCamp	Eret	Fenger
Haberman	Hefner	Higgins	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Lamb	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Von Minden	Wiitala
Withem				

Voting in the negative, 12:

Carsten	Fowler	Goll	Goodrich	Kilgarin
Landis	Lundy	Marsh	Vickers	Wagner
Warner	Wesely			

Present and not voting, 5:

Barrett	Beutler	Chronister	Hannibal	Morehead

Excused and not voting, 6:

Beyer	Chambers	Clark	Hoagland	Kahle
Labedz				

The DeCamp amendment was adopted with 26 ayes, 12 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 356. Placed on Select File as amended.
E & R amendments to LB 356:
AM5121

1. On page 1, line 1, after "ACT" insert "relating to environmental protection;"; in line 2, strike "and" and after the second comma insert "and 81-1532,"; in lines 3 and 4 strike "relating to environmental protection" and insert "and 57-905, Revised Statutes Supplement, 1982"; in line 7 strike "injection wells" and insert "mineral exploration holes

and wells"; in line 8 strike "an advisory committee" and insert "a fund" and strike "eliminate" and insert "change"; in line 10 strike "and" and insert "to provide for a tax; to provide additional powers and duties of the Tax Commissioner; to provide additional powers to the district court; to harmonize provisions; to provide operative dates;"; and in line 11 after "sections" insert "; and to declare an emergency".

2. In the Standing Committee amendments, on page 54, line 16, strike "2" and insert "1"; in line 17, strike "be effective" and insert "become operative"; and on line 19 after "That" insert "original".

3. In lieu of the DeCamp amendment, in the Cullan amendment on page 3, line 2, strike "ten" and insert "five".

LEGISLATIVE BILL 198. Placed on Select File as amended.
E & R amendments to LB 198:
AM5122

1. On page 1, line 1, after "ACT" insert "relating to water resources;"; in line 3 strike the second "and" and after the second comma insert "and 46-544,"; in lines 4 and 5 strike ", relating to water resources".

2. On page 8, line 7, start a new paragraph before "(2)"; and in line 25 after "quantity" insert an underscored comma.

3. In the Standing Committee amendments, page 2 strike beginning with "line" in line 25 through "in" in line 26.

4. Insert underscoring as needed in the Vickers amendment.

LEGISLATIVE BILL 371. Placed on Select File as amended.
E & R amendments to LB 371:
AM5115

1. On page 1, line 3, strike "to 42-364.12" and insert ", 42-364.11"; in line 5, strike "and" and strike the third comma and insert "and"; in line 6 strike "and 43-512.05,"; in line 7 after "1982" insert ", and section 43-512.05, Revised Statutes Supplement, 1982, as amended by section 1, Legislative Bill 417, Eighty-eighth Legislature, First Session, 1983"; strike beginning with the second "and" in line 9 through line 13 and insert "; and to authorize attorneys to enforce support orders as prescribed.".

2. On page 2, strike line 1.

3. On page 8, line 23, strike "8 and 9" and insert "7 and 8".

4. On page 12, line 2, strike "8" and insert "7".

5. For purposes of correlation with section 1, LB 417, on page 18, line 3 after "1982," insert "as amended by section 1, Legislative Bill 417, Eighty-eighth Legislature, First Session,"; strike beginning with "to" in line 10 through "of" in line 11 and insert "in order to receive reimbursement for"; strike beginning with "the" in line 12 through the first "and" in line 13; strike beginning with "43-512.04" in line 13 through "to" in line 14; strike beginning with "Before" in line 15 through "the" in line 17 and insert "The"; in line 18 remove underscoring from "the"; in line 19 strike "shall negotiate and" and insert "may"; in line 22 strike "the provisions of this"; in line 23 strike "section and" and "43-512.04 and 43-512.06"; in line 24 strike "to"; and strike beginning with "The" in line 26 through "in" in line 27.

6. For purposes of correlation with section 1, Legislative Bill 417, on page 19, strike lines 1 and 2; and in line 3 strike "Such" and insert "The department shall adopt and promulgate rules and regulations regarding the rate and manner of reimbursement for costs incurred in carrying out sections 43-512 to 43-512.10, taking into account relevant federal law, available federal funds, and any appropriations made by the Legislature. Any reimbursement".

7. On page 25, line 23, strike the first comma and insert "and" and strike the last "and"; in line 24 strike "43-512.05," and after "1982," insert "and section 43-512.05, Revised Statutes Supplement, 1982, as amended by section 1, Legislative Bill 417, Eighty-eighth Legislature, First Session, 1983,".

8. In the Standing Committee amendments, page 2, line 6, after "option" insert "to"; in line 10, strike "stiuplated" and insert "stipulated"; and because of Labedz amendment, AM0999, in line 13, strike ", 11 through 14,".

LEGISLATIVE BILL 371A. Placed on Select File.
LEGISLATIVE BILL 73A. Placed on Select File.

LEGISLATIVE BILL 234A. Placed on Select File.
LEGISLATIVE BILL 259A. Placed on Select File.
LEGISLATIVE BILL 503A. Placed on Select File.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 146 in the Journal. No objections. So ordered.

AM1101

1. In the Standing Committee Amendments, on page 1, line 1, strike "strike the new matter" and insert "after 'or' insert 'the documents required by' "; and strike amendment 2.

2. Strike original section 2 and insert the following new sections:

"Sec. 2. The petition for adoption of a child born in a foreign country shall be accompanied by: (1) A document or documents from a court, official department, or government agency of the country of origin stating that the parent has consented to the adoption or stating that the parental rights of the parents of the child have been terminated or stating that the child to be adopted has been abandoned or relinquished by the natural parents and that the child is to immigrate to the United States for the purpose of adoption; and (2) written consent to the adoption of the child from a child placement agency licensed by the Department of Social Services or the agency's duly authorized representative which placed the child with the adopting person or persons. The consent shall be signed and acknowledged before an officer authorized to acknowledge deeds in the state where the consent is signed and shall not require a witness.

Any document in a foreign language must be translated into English by the Department of State or by a translator who shall certify the accuracy of the translation and as to his or her competency to translate.

A guardian shall not be required to be appointed to give consent to the adoption of any child born in a foreign country.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after

its passage and approval, according to law.".

3. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 628. Mr. DeCamp asked unanimous consent to withdraw his pending amendment (1), AM1103, found in the Journal on page 1468. No objections. So ordered.

Mr. Wesely offered the following amendment:
PURPOSE: Provide additional cash fund authority for possible relocation and renovation costs for the Services for the Visually Impaired.
AMENDMENT:

On page 39, line 10, strike "55,000" and insert "105,000"; in line 12, strike "1,505,991" and insert "1,555,991".

On page 39, after line 19, insert "There is included in the appropriation to this program $50,000 Cash Funds for the relocation of the Services for the Visually Impaired and necessary renovation costs at a new location which shall only be used for such purposes. The total cost for renovation at any new location shall not exceed $50,000."

On page 44, line 18, strike "17,476,918" and insert "17,526,918"; in line 20, strike "91,220,938" and insert "91,270,938".

MR. LAMB PRESIDING

The Wesely amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Beutler offered the following amendment:

On page 94, line 15, strike 701,755 and insert 674,568;
line 17 strike 870,929 and insert 843,742.

Speaker Nichol and Mr. Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler moved for a Call of the House. The motion prevailed with 16 ayes, 3 nays, and 30 not voting.

Mr. Chambers requested a roll call vote on the Beutler amendment.

Voting in the affirmative, 26:

Abboud	Barrett	Beutler	Chronister	Cullan
DeCamp	Eret	Fenger	Goll	Haberman

Hefner	Jacobson	Johnson, L.	Johnson, R.	Lamb
Landis	Lundy	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Sieck	Vickers	Von Minden
Wesely				

Voting in the negative, 15:

Carsten	Chambers	Fowler	Goodrich	Hannibal
Johnson, V.	Kilgarin	Marsh	Morehead	Newell
Pappas	Wagner	Warner	Wiitala	Withem

Present and not voting, 1:

Higgins

Excused and not voting, 7:

Beyer	Clark	Hoagland	Kahle	Labedz
Nichol	Schmit			

The Beutler amendment was adopted with 26 ayes, 15 nays, 1 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the Call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 610. Placed on Select File as amended.
E & R amendments to LB 610:
AM5123

1. On page 1, line 1, strike "81-814.01 and";
in line 3 after "1943," insert "as amended by section 1,
Legislative Bill 163, Eighty-eighth Legislature, First
Session, 1983,".

2. For purposes of correlation with section
1, LB 163, page 2, line 2, after "1943," insert "as
amended by section 1, Legislative Bill 163,
Eighty-eighth Legislature, First Session, 1983,"; lines
7, 8, 9, and 11, strike "Manned" and insert "Staffed";
and in lieu of Standing Committee amendment 1, on page
2, line 20, strike "four hundred" and insert "one
thousand".

3. On page 7, line 10, strike "81-814.01

and"; and in line 12 after "1943," insert "as amended by section 1, Legislative Bill 163, Eighty-eighth Legislature, First Session, 1983,".

LEGISLATIVE BILL 265. Placed on Select File.
LEGISLATIVE BILL 267. Placed on Select File.

LEGISLATIVE BILL 271. Placed on Select File as amended.
E & R amendment to LB 271:
AM5124

1. On page 1, line 3, strike "and"; and in line 4 after "section" insert "; and to declare an emergency".

(Signed) Rod Johnson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 59.

Introduced by Wiitala, 31st District; Rupp, 22nd District; Schmit, 23rd District; Fowler, 27th District; Lundy, 36th District; Lamb, 43rd District; Goll, 16th District; Hoagland, 6th District; Withem, 14th District; Eret, 32nd District, Cullan, 49th District; Vickers, 38th District; Wagner, 41st District; Jacobson, 33rd District; Fenger, 45th District; Beyer, 3rd District; H. Peterson, 35th District.

PURPOSE:

The purpose of this resolution is to study the statutes governing changes in school district boundaries which may occur as a result of municipal annexations. The objective shall be to examine alternatives which will place the state in a neutral position and to encourage good faith bargaining on boundary issues at the local level. In keeping with the intent of Legislative Bill 465, a study Committee shall recommend legislation to govern any boundary changes which would otherwise occur following any annexations by a city within a Class III school district after the adoption of this resolution.

The Education Committee shall examine criteria for local decision making which include, but shall not be limited to the:

1. Educational needs and interests of the school age children in the annexed area, including the distance such children must travel to reach a school house and the availability of physical facilities, programs, courses, and staff at each district;

2. Effects on local tax bases, budgets, enrollments, and state and federal aid;

3. Common interests between the area annexed and each district

and the annexing city, including dependence on services provided by the city; and

4. Gains or losses in economies in managing existing facilities and staff at each district.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Education Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 239 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - AM1095.)

MESSAGES FROM THE GOVERNOR

April 13, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 78, 270, 125 and 252 were received in my office on April 6, 1983.

These bills were signed by me on April 12, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

April 13, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 43, 308, 362 and 393 were received in my office on April 8, 1983.

These bills were signed by me on April 12, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

SELECT FILE

LEGISLATIVE BILL 628. Mr. Vickers offered the following amendment:

On page 80, after line 4, insert the following:

"It is the intent of the legislature that $1,000,000 from institutional administration be reallocated to the Department of Veterinary Science for increased diagnostic research, extension & teaching support".

in line 8, strike "27,757,815" and insert "28,757,815"; in line 9, strike "27,757,815" and insert "28,757,815".

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion lost with 13 ayes, 8 nays, and 28 not voting.

Mr. Hefner and Mrs. Higgins asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Vickers requested a record vote on his amendment.

Voting in the affirmative, 11:

Beutler	Cullan	Eret	Haberman	Johnson, R.
Landis	Pappas	Peterson, R.	Rupp	Sieck
Vickers				

Voting in the negative, 24:

Abboud	Barrett	Carsten	Chronister	DeCamp

Goll	Goodrich	Hannibal	Jacobson	Johnson, L.
Johnson, V.	Kilgarin	Lamb	Lundy	Marsh
Morehead	Newell	Peterson, H.	Remmers	Von Minden
Wagner	Warner	Wesely	Withem	

Present and not voting, 6:

Chambers	Fenger	Fowler	Nichol	Pirsch
Wiitala				

Excused and not voting, 8:

Beyer	Clark	Hefner	Higgins	Hoagland
Kahle	Labedz	Schmit		

The Vickers amendment lost with 11 ayes, 24 nays, 6 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Messrs. Newell, V. Johnson, and DeCamp asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM1094

1. Insert the following new section:

"Sec. 2. In any proceeding when a court has ordered a parent to pay, temporarily or permanently, any amount to the clerk of the district court for the support of a minor child and in the same proceeding has ordered visitation with any minor child on behalf of such parent the court shall enforce its visitation orders as follows:

(1) Upon the filing of a motion which is accompanied by an affidavit stating that the custodial parent has unreasonably withheld or interferred with the exercise of the noncustodial parent's court ordered visitation, after notice to the custodial parent and hearing, the court shall enter such orders as are reasonably necessary to enforce visitation rights, including the modification of previous court orders relating to visitation. The court may use contempt powers to enforce its court orders relating to visitation. The court may require the custodial parent to file a bond or otherwise give security to insure his or her compliance with court ordered visitation

provisions.

(2) Costs, including reasonable attorney's fees, may be taxed against a party found to be in contempt pursuant to this section. The court shall order that any costs awarded or the cost of any bond required pursuant to this section shall not be paid out of money received by the custodial parent for child support.".

2. Renumber the remaining sections and internal references accordingly.

UNANIMOUS CONSENT - Member Excused

Mr. Newell asked unanimous consent to be excused for the remainder of the day and Thursday, April 14 and Friday, April 15, 1983. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 60.

Introduced by Pirsch, 10th District; Kilgarin, 7th District; Sieck, 24th District; Goodrich, 20th District.

WHEREAS, in a country where crime is a part of everyday life, it is essential that the criminal justice system be sensitive to the rights of the victim who suffers the direct consequences of crime; and

WHEREAS, the criminal justice system provides justice to the criminal, but is often guilty of ignoring the victim of the criminal act; and

WHEREAS, innocent victims and witnesses of crime are often treated like evidence rather than people; and

WHEREAS, American traditions of compassion, dignity, and justice mandate that all citizens of the United States, victims and accused alike, be treated with equity and respect; and

WHEREAS, victims and witnesses who are willing to help the criminal justice system are society's most valuable resource in fighting crime; and

WHEREAS, the Nebraska Legislature has been a leader in recognizing the plight of the crime victim by establishing the Victim's Bill of Rights into law, and continues to show its concern by enacting legislation which further protects the rights of the victim.

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

1. That the Legislature recognizes that it is the duty of all citizens

and institutions, public and private, to support the establishment and enforcement of the rights of victims in Nebraska in order to insure the fair administration of justice.

2. That the Legislature hereby declares the week of April 17 to 23, 1983 to be Victims Rights Week in Nebraska.

Laid over.

VISITORS

Visitors to the Chamber were 15 seniors and teacher from Davenport Community School; former Senator Orval Keyes; 40 fourth grade students, teachers, and sponsor from North Park School, Columbus; 25 eighth grade students and teacher from St. Francis School, Humphrey; and former Senators Ruhnke and Kennedy.

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 1:30 p.m, Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beyer, Eret, Kahle, Newell, and Mrs. Labedz who were excused; and Messrs. Fowler, Haberman, Hoagland, R. Johnson, R. Peterson, Schmit, and Mrs. Pirsch who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 628. Mr. Fenger offered the following amendment:

Page 81 Line 17 & 18 strike 44,812,231 insert 44,751,377

Mr. Fenger requested a record vote on his amendment.

Voting in the affirmative, 13:

Abboud	Beutler	Clark	Cullan	DeCamp
Fenger	Jacobson	Lundy	Peterson, R.	Remmers
Rupp	Vickers	Von Minden		

Voting in the negative, 17:

Barrett	Carsten	Fowler	Goll	Goodrich
Hannibal	Higgins	Johnson, V.	Kilgarin	Landis
Marsh	Morehead	Nichol	Pappas	Wagner
Warner	Wiitala			

Present and not voting, 9:

Chambers	Chronister	Hefner	Johnson, L.	Lamb
Peterson, H.	Sieck	Wesely	Withem	

Excused and not voting, 10:

Beyer	Eret	Haberman	Hoagland	Johnson, R.
Kahle	Labedz	Newell	Pirsch	Schmit

The Fenger amendment lost with 13 ayes, 17 nays, 9 present and not voting, and 10 excused and not voting.

Mr. Vickers offered the following amendment:

On page 79, in line 27 strike "83,430,882" and insert "84,030,882". On page 80, in line 1, strike "83,430,882" and insert "84,030,882"; after line 1 insert the following, "Included in the appropriation to this program is $600,00 for academic computing. It is the intent of the legislature that the $600,000 not be expended until a campus-wide academic computing plan has been approved by the Board of Regents."

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Vickers requested a record vote on his amendment.

Voting in the affirmative, 5:

Cullan	Johnson, R.	Pappas	Vickers	Wesely

Voting in the negative, 25:

Abboud	Barrett	Carsten	DeCamp	Goll
Goodrich	Haberman	Hannibal	Hefner	Jacobson
Johnson, L.	Johnson, V.	Lamb	Landis	Lundy
Marsh	Morehead	Nichol	Peterson, H.	Pirsch
Remmers	Rupp	Wagner	Warner	Withem

Present and not voting, 12:

Beutler	Chambers	Chronister	Clark	Fenger
Fowler	Higgins	Kilgarin	Peterson, R.	Sieck
Von Minden	Wiitala			

Excused and not voting, 7:

Beyer	Eret	Hoagland	Kahle	Labedz
Newell	Schmit			

The Vickers amendment lost with 5 ayes, 25 nays, 12 present and not voting, and 7 excused and not voting

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 410. Placed on Select File as amended.
E & R amendments to LB 410:
AM5125

1. On page 1, line 1, strike "University of Nebraska" and insert "colleges and universities"; in line 8, strike "two"; and in line 10 after "Regents" insert "and the Board of Trustees of the Nebraska State Colleges".

2. On page 7, line 24, strike the first underscored comma.

3. In the Standing Committee Amendments, (a) on page 2, line 7, after "remodeling" (b) on page 3, line 26, strike the underscored period; (c) on page 4, line 26, after "Building" insert an underscored comma; and (d) on page 5, line 9, strike "Of" and insert "of".

LEGISLATIVE BILL 629. Placed on Select File.

LEGISLATIVE BILL 269A. Placed on Select File.
LEGISLATIVE BILL 476A. Placed on Select File.
LEGISLATIVE BILL 539A. Placed on Select File.

(Signed) Rod Johnson, Chairperson

STANDING COMMITTEE REPORT
Agriculture and Environment

The Committee on Agriculture and Environment desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Gary S. Goldberg - Agricultural Products Industrial Utilization Committee

Voting aye: Senators Chronister, Eret, Pappas, Pirsch, Haberman. Nay: None. Absent: Senators R. Peterson, Remmers, Wiitala.

(Signed) Rex Haberman, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wiitala asked unanimous consent to print the following amendment to LB 234 in the Journal. No objections. So ordered.

AM1003

(Amendments to the Final Reading Copy)

1. On page 6, line 1, strike "clerk" and insert "treasurer"; and in line 2, strike "office" and insert "vehicle inspection fund within the county general fund".

2. On page 25, in lines 9 and 10, strike the new matter and reinstate the stricken matter.

SELECT FILE

LEGISLATIVE BILL 628. Mr. Landis moved to indefinitely postpone.

The Appropriations Committee voted to have LB 628 laid over.

Mr. Cullan moved to suspend the rules, Rule 7, Section 3, and take up the Landis motion to IPP LB 628 today.

Mr. Fowler raised a point of order on whether Mr. Cullan's motion is in order, as LB 628 is no longer on the agenda.

The Chair overruled the point of order.

Mr. Cullan asked unanimous consent to withdraw his pending motion to suspend the rules. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 343. Title read. Considered.

Standing Committee amendments, AM0665, printed separate from the Journal and referred to on page 882 for the Forty-Second Day were considered.

MR. V. JOHNSON PRESIDING

Mr. Remmers asked unanimous consent to withdraw his pending amendment, AM0972, found in the Journal on page 1294 to the Standing Committee amendments. No objections. So ordered.

Mr. DeCamp renewed his pending amendment, AM1068, found in the Journal on page 1469 to the Standing Committee amendments.

The DeCamp amendment to the Standing Committee amendments was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Remmers asked unanimous consent to withdraw his pending amendment, AM1120, found in the Journal on page 1475. No objections. So ordered.

Mr. Remmers offered the following amendment to the Standing Committee amendments:

I move on page 4 of the DeCamp amendment to the (Journal Page 1469) Committee amendment:
Strike line 1 - 13 and insert:

"(4) A buyer who purchases farm products, including livestock, or a person who sells farm products, including livestock, for another for a fee or commission shall pay the seller the total purchase price by means of a check payable to such seller and a lending institution who shall be specified by such seller, and if the lending institution authorizes the cashing of such check, such buyer or person shall be free of any security interest in such farm products, including livestock, held by any security interest holder, up to the amount of the check. Any such buyer or person who does not include the name of a lending institution on such check shall take such farm products, including livestock, subject to any valid security interest which may exist in such farm products, including livestock.";

Mr. Cullan asked unanimous consent to be excused for the remainder of the day, Thursday, April 14, and Friday, April 15, 1983. No objections.

So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion lost with 15 ayes, 11 nays, and 23 not voting.

MISS KILGARIN PRESIDING

Messrs. Abboud and Wiitala asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Pirsch asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

The Remmers pending amendment lost with 6 ayes, 11 nays, 21 present and not voting, and 11 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 2 nays, 12 present and not voting, and 10 excused and not voting.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM0361, printed separate from the Journal and referred to on page 684. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 4 nays, 12 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 343A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 61.

Introduced by Wesely, 26th District.

WHEREAS, Morrill Hall houses the State's primary natural history museum, including Nebraska's most prized historical exhibits; and

WHEREAS, Morrill Hall has served as an educational focal point for generations of Nebraska's citizens and students, housing the second-largest collection of fossil mammals in the world; and

WHEREAS, Morrill Hall is in great need of a climate control

system to halt the deterioration of its valuable and irreplaceable displays; and

WHEREAS, the Greek fraternities and sororities at the University of Nebraska-Lincoln have adopted the Morrill Hall cause by including the "Mastodon Marathon" to raise funds for the museum as part of their annual "Greek Week" observance.

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

1. That the Legislature hereby commend the members of the University's Greek system for taking the initiative to raise money to support their campus and one of its most significant treasures by giving of their time, their concern and their labors.

2. That the Legislature take notice not only of the noble efforts of these students but also of the need to maintain a building which preserves, houses and represents such an important part of our great State and its great heritage.

Laid over.

LEGISLATIVE RESOLUTION 62.

Introduced by Jacobson, 33rd District.

WHEREAS, President Ronald Reagan on Saturday, February 26, 1983 announced that he is planning to ask the U.S. Congress to enact federal legislation to provide for the immediate decontrol of the natural gas industry;

WHEREAS, Nebraska is a natural gas importing state and would stand to be harmed by this action;

WHEREAS, immediate decontrol by the federal government of natural gas would add next year about 24¢ per bushel to the cost of production for corn and about 19¢ per bushel for the cost of production for wheat according to the U.S. Congressional Research Service;

WHEREAS, immediate decontrol of natural gas would cost all Nebraska natural gas consumers over $1.5 Billion in higher gas prices than we are expected to pay during the next five years - over $300 million more per year than would probably occur under the current federal policy;

WHEREAS, the current problem with "take or pay contracts" often cited as a major reason for immediate decontrol can be resolved by the U.S. Congress without immediate decontrol and through alterations in the current Natural Gas Policy Act of 1978;

NOW, THEREFORE BE IT RESOLVED, BY THE MEMBERS OF THE NEBRASKA LEGISLATURE, 88TH LEGISLATIVE SESSION:

1. That this Legislature finds the immediate decontrol of natural gas as proposed by President Reagan would unduly cause natural gas prices to rise without the benefits of enhanced supplies or the development of a free market;

2. That this Legislature is opposed to the Congressional enactment of the immediate decontrol of natural gas as proposed by the Reagan administration;

3. That the regulation of old gas should remain under the NGPA, but that the deregulation of new gas is essential and should take place on a gradual basis as scheduled;

4. That there should be a reduction in take-or-pay requirements that call for a pipeline company to pay for a specific portion of gas from a well whether or not that gas is actually used, and that pipelines are allowed to blend more of their older, less expensive supplies with the new higher cost gas;

5. That gas contracted for after enactment of NGPA modifications should be deregulated and classified as "new new" gas;

6. That a price cap, based on an annual national average price paid for "new new" gas, should be placed on all gas currently controlled under the NGPA and which is scheduled for decontrol by the Act;

7. That there should be provided a one-time "market-out" for any gas purchased which is presently decontrolled or subject to special pricing, and that this one-time termination option by either the pipeline or the producer would allow for the renegotiation of the price by the pipeline or the sale of this high priced gas by the product to another purchaser; and

8. That the Clerk of the Legislature send copies of this resolution to the President of the United States, the Nebraska Congressional Delegation, and the Speaker of the United States House of Representatives, and the President of the United States Senate.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 369 and 463.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Changes to LB 463

The following changes, required to be reported for publication in the Journal, have been made:

ER0058

1. On page 1, line 4, after the semicolon "to eliminate a fee;" has been inserted.

2. On page 2, in lines 6 and 7, "the" has been stricken.

(Signed) Tristi J. Wilson
E & R Attorney

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 410A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 410, Eighty-eighth Legislature, First Session, 1983.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 410 in the Journal. No objections. So ordered.

Amendment to Standing Committee Amendments AM0895
On page 5, in line 25, strike "first" and insert "second".

RESOLUTION

LEGISLATIVE RESOLUTION 63.

Introduced by Wesely, 26th District.

WHEREAS, the health and safety of the people of the State of Nebraska is of vital concern to the Nebraska Legislature; and

WHEREAS, it is the responsibility of state and local government to enact and enforce laws and ordinances whenever necessary to protect the health and safety of their residents in the buildings in which they live, work, and worship; and

WHEREAS, for purposes of ensuring such health and safety, state and local government has adopted and enforced current model building codes and standards that have been developed and maintained; and

WHEREAS, the adoption and enforcement of current model building codes is a cost effective tool in the administration of building regulations for new construction and building rehabilitation; and

WHEREAS, it is through the efforts of state and local building officials, with the support of their elected officials, that the effective

administration of these important health and life safety regulations is ensured; and

WHEREAS, it is necessary for Nebraska citizens to have an opportunity to become aware of the health and safety services provided by building code enforcement personnel; and

WHEREAS, the Nebraska Legislature should join with other states, the United States Congress, President Reagan, and Governor Kerrey in recognizing the vital importance of building safety.

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

1. That the Nebraska Legislature recognize the week of April 17 through April 23, 1983 as "Nebraska Building Safety Week".

2. That the Legislature encourage the citizens of Nebraska, elected officials, industry, and construction related professions and associations to support their state and local building officials in their efforts to enforce building regulations for the health and safety of the people of Nebraska.

Laid over.

NOTICE OF COMMITTEE HEARING
Public Works

Governor Appointment - Wednesday, April 20, 1983 8:30 a.m.
Robert J. Stutzman, Board of Public Roads Classifications & Standards

(Signed) Loran Schmit, Chairperson

VISITORS

Visitors to the Chamber were 26 eighth grade students, instructor, and parent from Clay Center Junior High School; 35 students and teacher from Tekamah-Herman High School; and Eldon Peters from Norfolk.

ADJOURNMENT

At 4:09 p.m., on a motion by Mr. Withem, the Legislature adjourned until 9:00 a.m., Thursday, April 14, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-FOURTH DAY - APRIL 14, 1983

LEGISLATIVE JOURNAL

SIXTY-FOURTH DAY - APRIL 14, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

SIXTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 14, 1983

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Senator Howard Peterson.

ROLL CALL

The roll was called and all members were present except Messrs. Cullan, Eret, Kahle, Newell, Chambers, and Mrs. Pirsch who were excused; and Messrs. Beutler, Fowler, Haberman, Hoagland, Rupp, Schmit, Sieck, Wesely, Wiitala, Withem, and Mrs. Higgins who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Third Day was approved.

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendment to LB 96 in the Journal. No objections. So ordered.

AM1096

(Amendments to Final Reading Copy)

1. On page 2, strike beginning with "If" in line 4 through "whenever" in line 6, show as stricken, and insert "Whenever"; and in line 16 after "aid" insert "highway".

MESSAGE FROM THE GOVERNOR

April 13, 1983

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment requiring legislative confirmation:

Ron Jensen, Director, Department of Public Institutions

Respectfully submitted,

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Ron Jensen
Accountability and Disclosure Commission
Department of Administrative Services

ATTORNEY GENERAL'S OPINIONS

Opinion No. 76
April 8, 1983

Dear Senator Goodrich:

You have asked whether Section 1 of L.B. 96 permits reimbursement only for federal aid road projects such as an interstate project, urban extensions thereof, or any interstate segment which has been removed from the interstate system. We assume that because line 16 of L.B. 96 makes reference to "any federal aid project", your question is directed at the possibility of reimbursement for utility relocation on those federal aid projects that are not specifically "road" projects. We are of the opinion that L.B. 96 permits reimbursement only for federal aid road projects and that any non-road project would not qualify for such reimbursement.

Our opinion is controlled by what we believe to be the plain meaning of lines 4, 5, and 6 of L.B. 96, which limits reimbursement of "projects undertaken by virtue of the legislative assent given by Section

39-1304.01."

Neb.Rev.Stat. §39-1304.01 (Reissue 1978), a statute dealing exclusively with assent to the Federal Aid Highway Act, provides as follows:

"The Legislature hereby reaffirms its continuing assent to the federal acts set forth in section 39-1304."

Neb.Rev.Stat. §39-1304 (Reissue 1978), again a statute dealing exclusively with assent to the Federal Aid Highway Act, provides as follows:

"The legislative assent required by section 1 of the Act of Congress approved July 11, 1916, Public Law 156, entitled An Act to provide that the United States shall aid the states in the construction of rural post roads, and for other purposes, is hereby given. The Legislature likewise assents to the Congressional Federal Aid Acts, Federal Highway Acts, and Federal Aid Highway Acts approved subsequent to July 11, 1916. In the absence of contrary legislative action regarding the assent hereby given, the Legislature shall be deemed to have given a continuing assent to subsequent acts, rules, and regulations which either amend or supplement the above-mentioned acts or otherwise provide funds for the same or similar purposes."

It would seem beyond question that the plain meaning of the language of L.B. 96 restricting reimbursement to "projects undertaken by virtue of the assent given by Section 39-1304.01" is to restrict reimbursement to "road" projects.

We would add parenthetically that we are also of the opinion that the restrictive language of L.B. 96 quoted above limits any prospective applications of reimbursement. Insasmuch as there is presently no project "undertaken by virtue of the legislative assent given by section 39-1304.01", and because such assent is no longer required for future road projects (see Attorney General Opinion No. 240, dated April 2, 1982), no present or future projects can qualify for reimbursement provided for in L.B. 96.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) John E. Brown
Assistant Attorney General

JEB/ta
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 77
April 12, 1983

Dear Senator DeCamp:

This is in reply to your inquiry which pertains to LB 465 of the Eighty-eighth Legislature, First Session (1983). That legislative bill, as amended, is an act to amend Neb.Rev.Stat. §79-801 (Reissue 1981). In connection therewith, you have asked two questions, each of which is hereinafter discussed.

1. Does the decision for determination of school district boundary changes and school property disposition lie solely with the school boards of the districts in which there lies territory included in a municipal annexation?

LB 465, as amended, provides, in part, that the territory within the corporate limits of each incorporated city or village in the State of Nebraska, together with such additional territory and additions to such city or village as may be added thereto, as declared by ordinances to be boundaries of such city or village, having a population of more than one thousand and less than one hundred thousand inhabitants, including such adjacent territory as now is or hereinafter may be attached for school purposes, shall constitute a school district of the third class;

Provided, that where the territory annexed by a change of boundaries of such city has been part of a Class IV, V, or VI school district for more than one year prior thereto, having been annexed by petition, the question as to which district the annexed territory shall be part of shall be negotiated by the school boards of the school districts involved. If the majority of the members of each school board cannot reach agreement on such question within ninety days after the effective date of the city annexation ordinance, the question of which school district the annexed territory shall be a part of shall be placed on the ballot for the next general election.

Thus, it appears that the determination of school district boundary changes and school property disposition pursuant to LB 465, as amended, would not lie solely with the school boards of the districts in which there lies territory included in a municipal annexation, but in a proper case, would lie with the electorate.

2. In the case of annexation into a Class VI school district, would all Class I districts making up the Class VI district have a voice on changes that district's boundaries or in the disposition of property belonging to the Class VI district?

No. In cases where the question is placed on the ballot for a determination as to which school district the annexed territory shall be a part of, LB 465, as amended, provides "The registered voters of all Class I districts which form the annexed territory shall then vote on the question at such election."

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

REPORT

Received from Department of Roads a statement of deposits to Highway Cash Fund and Roads Operation Cash Fund for month of March, 1983.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE RESOLUTION 10. Placed on Select File as amended.
E & R amendment to LR 10:
AM5126
1. On page 2, line 4, strike "whose purpose"
and insert "the purpose of which".

LEGISLATIVE BILL 158. Placed on Select File.
LEGISLATIVE BILL 158A. Placed on Select File.
LEGISLATIVE BILL 174. Placed on Select File.

(Signed) Rod Johnson, Chairperson

SELECT FILE

LEGISLATIVE BILL 628. Mr. Landis asked unanimous consent to withdraw his pending motion found in the Journal on page 1499 to indefinitely postpone. No objections. So ordered.

Mr. Landis offered the following amendment:
PURPOSE: To delete $100,000 of cash funds appropriated to the Department of Revenue for administration of the renewable energy tax credit program; to add $50,000 of cash funds to the State Energy Office to carry out the provisions of Section 81-1602, subsection 11, and to lapse $50,000 from the Nebraska Energy Resource Fund to the General Fund.
AMENDMENT:
On page 19, line 27, strike "469,910" and insert "369,910".
On page 20, line 1, strike "8,544,664" and insert "8,444,664"; and

after line 3, insert "There is included in the appropriation to this program $100,000 cash funds from the allocation to the Department of Revenue from the Nebraska Energy Resource Fund."

On page 104, line 2, strike "5,341,156" and insert "5,391,156"; in line 5, strike "8,587,194" and insert "8,637,194"; and after line 12, insert "There is included in the appropriation to this program $250,000 cash funds from the Nebraska Energy Resource Fund."

On page 111, line 26, strike the second "and".

On page 112, line 1, insert after the comma "and (3) fifty thousand dollars from the Nebraska Energy Resource Fund,".

Mr. Landis moved for a Call of the House. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

The Landis amendment was adopted with 26 ayes, 8 nays, 2 present and not voting, and 13 excused and not voting.

Advanced to E & R for Engrossment.

The Chair declared the Call raised.

LEGISLATIVE BILL 630. Mr. V. Johnson asked unanimous consent to withdraw his pending amendment found in the Journal on page 1325. No objections. So ordered.

Mr. V. Johnson offered the following amendment:
1. Add a new section:

"Sec. 19. Program 908. The Department of Administrative Services is hereby authorized to renovate space in the southwest quadrant of the State Capitol for legislative hearing rooms and related office space. There is hereby appropriated $200,000 from the State Building Fund for the fiscal year ending June 30, 1984, to initiate the renovations. There is hereby appropriated $336,000 from the State Building Fund for the fiscal year ending June 30, 1985, to complete the renovations.

Plans for the renovation of such legislative space shall be prepared cooperatively by the Department of Administrative Services and the Executive Board of the Legislative Council. No expenditures for actual renovation of space shall begin until the Executive Board of the Legislative Council has approved the plans for renovation."
2. Renumber original sections 19 to 51 as 20 to 52.

MR. CLARK PRESIDING

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. V. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Beutler	Beyer	Carsten	Chronister	Goodrich
Haberman	Hoagland	Johnson, R.	Johnson, V.	Labedz
Lundy	Marsh	Pappas	Sieck	Von Minden
Wesely				

Voting in the negative, 19:

Abboud	Barrett	Clark	DeCamp	Fenger
Hannibal	Hefner	Jacobson	Johnson, L.	Kilgarin
Lamb	Landis	Morehead	Peterson, H.	Peterson, R.
Remmers	Vickers	Wagner	Warner	

Present and not voting, 2:

Goll	Higgins

Excused and not voting, 12:

Chambers	Cullan	Eret	Fowler	Kahle
Newell	Nichol	Pirsch	Rupp	Schmit
Wiitala	Withem			

The V. Johnson amendment lost with 16 ayes, 19 nays, 2 present and not voting, and 12 excused and not voting.

The Chair declared the Call raised.

Mr. Warner renewed the Appropriations Committee amendment found in the Journal on page 1465.

The amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 1475. No objections. So ordered.

Mr. DeCamp offered the following amendment:
PURPOSE: To delete appropriations to the University of Nebraska for

acquisition of computer equipment ($600,000)
AMENDMENT:
1. Strike original sections 14.
2. Renumber original sections accordingly.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

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

Mr. Wesely offered the following amendment:
Strike sections 32, 33, 34, 35, 36 relating to construction of the Veterinary College.

SPEAKER NICHOL PRESIDING

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 0 nays, and 29 not voting.

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

Mr. Wesely offered the following amendment:
1. On page 19, line 13, after the period insert "Such funds shall not be expended unless and until $827,000 of federal funds are delivered or made available to the Board of Regents.".

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Goodrich offered the following amendment to the Wesely amendment:
Drop the Dollar amount reference for the Wesely amendment.

Mr. Haberman requested a record vote on the Goodrich amendment.

Voting in the affirmative, 27:

Barrett	Beutler	Beyer	Clark	Fowler
Goll	Goodrich	Haberman	Hannibal	Hefner
Hoagland	Johnson, L.	Kilgarin	Lamb	Landis
Lundy	Marsh	Morehead	Nichol	Peterson, H.
Peterson, R.	Remmers	Rupp	Von Minden	Wagner
Warner	Wesely			

Voting in the negative, 0.

Present and not voting, 11:

Carsten	Chronister	DeCamp	Fenger	Jacobson
Johnson, R.	Johnson, V.	Labedz	Pappas	Sieck
Vickers				

Excused and not voting, 11:

Abboud	Chambers	Cullan	Eret	Higgins
Kahle	Newell	Pirsch	Schmit	Wiitala
Withem				

The Goodrich amendment to the Wesely amendment was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Mr. Wesely asked unanimous consent to withdraw his pending amendment, as amended. No objections. So ordered.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 628 in the Journal. No objections. So ordered.

(1)

AM1143

1. Insert the following new section:

"Sec. There is included in the appropriation to each agency, board, and commission, the equivalent of an average salary increase of two and one half per cent for state employees.

Each agency, board, and commission may determine the distribution internally of such salary increase.".

2. Motion: The E & R attorney in cooperation with the Legislative Fiscal Office shall reduce appropriate numbers in LB 628 for all agencies, boards, and commissions other than the University of Nebraska to reflect this amendment. This will result in a reduction of $4,136,598 General Funds and $6,369,803 Total Funds.

(2)

AM1146

1. Insert the following new section:

"Sec. There is included in the appropriation to each agency, board, and commission, the equivalent of an average salary increase of three and one half per cent for state employees.

Each agency, board, and commission may determine the distribution internally of such salary increase.".

2. Motion: The E & R attorney in cooperation with the Legislative Fiscal Office shall reduce appropriate numbers in LB 628 for all agencies, boards, and commissions other than the University of Nebraska to reflect this amendment. This will result in a reduction of $2,481,958 General Funds and $3,821,881 Total Funds.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 336 in the Journal. No objections. So ordered.

AM1141

1. Strike the original sections and any amendments thereto and insert the following new sections:

"Section 1. The Legislature hereby finds and declares that with the proliferation of lottery activity in the State of Nebraska by subdivisions of government and charitable organizations, all in accordance with the Constitution of the State of Nebraska, it is a proper and necessary state responsibility to regulate, control, supervise, and insure that constitutional intents and requirements are met. The Legislature further finds that the state itself should not be directly involved in promoting or conducting any lottery or gambling type activity.

Sec. 2. In order to properly regulate, control, supervise, and insure that state goals are accomplished with respect to lottery activity in the state, there is hereby imposed a tax of seven per cent on the gross proceeds of all lottery activity occurring in the state. Funds received from this tax shall be deposited to the Lottery Activity Control Fund which is hereby created. Any money in such fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1369.

Sec. 3. There is hereby created the Lottery Activity Control Commission which shall consist of five

members appointed by the Governor for staggered terms of no more than three years in length as designated by the Governor.

Sec. 4. If Legislative Bill 259, Eighty-eighth Legislature, First Session, 1983, is enacted, and such bill as enacted creates the Nebraska Bingo and Pickle Card Regulatory Commission or an equivalent commission, the Lottery Activity Control Commission shall terminate on the date the Nebraska Bingo and Pickle Card Regulatory Commission becomes operative and the powers granted to the Lottery Activity Control Commission by section 5 of this act shall be transferred to the Nebraska Bingo and Pickle Card Regulatory Commission.

Sec. 5. The Lottery Activity Control Commission may adopt and promulgate rules and regulations necessary to accomplish the goals of this act, including, but not limited to:

(1) Procedures necessary to accurately determine the gross proceeds actually involved in any lottery activity so that the proper tax can be collected;

(2) Procedures and techniques to insure that no improper elements or operators of any lottery activity are operating within the state;

(3) Procedures and techniques to insure that any funds invested in lottery activity go to the proper places and for the proper purposes as specified by law; and

(4) Procedures and techniques necessary to supervise and insure that any and all lottery equipment, devices, machines, electronic equipment, mechanical devices, pickle cards, or any similar devices which are used for lottery activity comply with the constitution of the state and all relevant court interpretations in all respects so that a strict accounting of all funds invested in lottery activity is accurately maintained.

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.".

UNANIMOUS CONSENT - Bracket LB 628

Mrs. Morehead, Miss Kilgarin, Messrs. H. Peterson, Wagner, Warner, Goodrich, and L. Johnson asked unanimous consent to bracket LB 628 on E & R Engrossing. No objections. So ordered.

MR. BEUTLER PRESIDING

SELECT FILE

LEGISLATIVE BILL 396. Mr. DeCamp renewed his pending motion found in the Journal on page 1453 to indefinitely postpone.

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. DeCamp moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. DeCamp requested a record vote on his amendment.

Voting in the affirmative, 14:

Abboud	Beyer	Chronister	Clark	DeCamp
Goll	Haberman	Hefner	Higgins	Jacobson
Johnson, L.	Peterson, H.	Peterson, R.	Von Minden	

Voting in the negative, 23:

Barrett	Carsten	Fowler	Goodrich	Hannibal
Hoagland	Johnson, R.	Johnson, V.	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	Morehead
Nichol	Pappas	Remmers	Rupp	Sieck
Vickers	Warner	Wesely		

Present and not voting, 3:

Beutler	Fenger	Wagner

Excused and not voting, 9:

Chambers	Cullan	Eret	Kahle	Newell
Pirsch	Schmit	Wiitala	Withem	

The DeCamp amendment lost with 14 ayes, 23 nays, 3 present and not voting, and 9 excused and not voting.

Mr. V. Johnson moved to bracket LB 396 until April 28, 1983.

The Chair declared the Call raised.

Mr. V. Johnson asked unanimous consent to withdraw his pending motion. No objections. So ordered.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion lost with 11 ayes, 11 nays, and 27 not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 8 nays, and 21 not voting.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 8 nays, and 24 not voting.

Mr. Haberman requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Barrett	Beutler	Carsten	Fenger	Fowler
Goodrich	Hannibal	Higgins	Hoagland	Johnson, R.
Johnson, V.	Kilgarin	Labedz	Landis	Lundy
Marsh	Morehead	Nichol	Pappas	Remmers
Rupp	Sieck	Vickers	Warner	Wesely

Voting in the negative, 12:

Abboud	Beyer	Chronister	DeCamp	Goll
Haberman	Hefner	Jacobson	Johnson, L.	Peterson, H.
Peterson, R.	Von Minden			

Present and not voting, 3:

Clark	Lamb	Wagner

Excused and not voting, 9:

Chambers	Cullan	Eret	Kahle	Newell
Pirsch	Schmit	Wiitala	Withem	

Advanced to E & R for Engrossment with 25 ayes, 12 nays, 3 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 263. E & R amendment, AM5111, found in the Journal on page 1416 for the Sixty-First Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 266. E & R amendment, AM5112, found in the Journal on page 1416 for the Sixty-First Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 468. E & R amendment, AM5114, found in the Journal on page 1480 for the Sixty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 498. E & R amendments, AM5117, found in the Journal on page 1480 for the Sixty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 264. E & R amendment, AM5120, found in the Journal on page 1481 for the Sixty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 268. E & R amendment, AM5118, found in the Journal on page 1481 for the Sixty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 607. E & R amendment, AM5119, found in the Journal on page 1481 for the Sixty-Third Day was adopted.

Advanced to E & R for Engrossment.

VISITORS

Visitors to the Chamber were 14 fourth grade students and teacher from St. Theresa's, Lincoln; 11 eighth grade students and teacher from Lake Minatare School, Scottsbluff; and Larry Eggan from Creighton.

RECESS

At 11:52 a.m., on a motion by Mr. DeCamp, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch, Messrs. Chambers, Cullan, Eret, Kahle, and Newell who were excused; and Messrs. Abboud, Fowler, Goll, Haberman, Hannibal, Hefner, V. Johnson, Landis, R. Peterson, Schmit, Vickers, Warner, Wiitala, Withem, Miss Kilgarin, and Mrs. Labedz who were excused until they arrive.

CORRECTED SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 207.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 617 in the Journal. No objections. So ordered.

1. In the Committee Amendments to LB 617 printed on page 1171 of the Journal and adopted on April 7, 1983, strike Section 22, which amends Section 81-2,162.06, R.R.S., 1943.
2. Strike original Section 4, which amends Section 54-827, R.R.S., 1943.
3. Renumber remaining sections accordingly.

SPEAKER'S ANNOUNCEMENT

April 13, 1983

Senator Vard Johnson, Chairperson
Reference Committee
Room 2108
State Capitol Building
Lincoln, Nebraska 68509

RE: Resolutions

Dear Senator Johnson:

Pursuant to the authority vested in me as Speaker, regarding the referral of Resolutions to a Committee for a hearing, I hereby send to

the Reference Committee LR 62, dealing with Natural Gas Regulation Decontrol. I forward this to your Committee for referral to the appropriate standing committee for public hearing.

Should you have questions or comments, please don't hesitate to contact me.

Sincerely,
(Signed) William E. Nichol
Speaker of the Legislature

WEN:tle

cc: Patrick J. O'Donnell
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 120 and 306.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 306

The following changes, required to be reported for publication in the Journal, have been made:
ER0059

1. On page 1, line 3, "clarify a definition" has been stricken and "redefine a term" inserted; and the matter beginning with "clarify" in line 5 through "instances" in line 6 has been stricken and "provide for the treatment of compliance and violations as prescribed" inserted.

2. On page 3, line 10, "required" has been stricken; in line 11 "in" has been stricken and "authorized by" inserted; and in line 13 an underscored comma has been inserted after "so".

3. In the Standing Committee amendment, on page 2, line 6, "the required" has been stricken and "a" inserted; and the matter beginning with the underscored comma in line 7 through the underscored comma in line 8 has been stricken.

(Signed) Tristi J. Wilson
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 539. E & R amendments, AM5103, found in the

Journal on page 1347 for the Fifty-Eighth Day were adopted.

Mr. Carsten offered the following amendment:

On page 8, Line 13, after the words retailer licensee: strike the period and insert a semi-colon: ; and in the case of agricultural lime slurry, the fee shall be paid on the base lime material only.

The amendment was adopted with 25 ayes, 0 nays, 4 present and not voting, and 20 excused and not voting.

Mr. Carsten offered the following amendment:

Add the following statement to Section 2-4322 Line 11: "Agricultural lime slurry as defined in Section 2-4316 shall be exempt from the registration requirements of this section."

This change will accomodate the Department of Agriculture, the formulator of lime slurry products, and the farmer as it will allow lime slurry products to be manufactured without having an individual product registration required on each formulation. It will still require that each lime slurry product be labeled as to the effective calcium carbonate equivalent and that this information be provided to the farmer and to the Department of Agriculture when samples are taken and analyzed to determine if they meet label guarantees.

The amendment was adopted with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

Mr. Haberman asked unanimous consent to withdraw his pending amendment, AM1019, found in the Journal on page 1437. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 539A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 371. E & R amendments, AM5115, found in the Journal on page 1486 for the Sixty-Third Day were adopted.

Mr. Hoagland asked unanimous consent to withdraw his pending amendment, AM0692, found in the Journal on page 1005. No objections. So ordered.

Mr. Schmit asked unanimous consent to withdraw his pending amendment, AM1059, found in the Journal on page 1393. No objections. So ordered.

Messrs. Newell, V. Johnson, and DeCamp asked unanimous consent to

withdraw their pending amendment, AM1094, found in the Journal on page 1494. No objections. So ordered.

Mr. Schmit offered the following amendment:
AM1123

1. On page 12, line 12, after "The" insert "clerk of the"; in line 14 after "order" insert "by first class mail and file a record of such mailing in the court"; in line 19, strike the second "or", show as stricken, and insert "," and after "alimony" insert ", or modification of the same"; and in line 20 after "sums" insert "to be made commencing on the first day of each month".

2. On page 14, line 13, after "county" insert ", subject to the approval of the county board,"; in line 14, strike "or deputized"; and in line 16 after "with" insert "section 42-358 or".

3. On page 16, line 5, after the comma insert "as provided in section 43-512,"; in line 12 after "28-706" insert ", if the attorney is the county attorney or a deputy county attorney,"; in line 14 after "43-512.03" insert ", if the attorney is an attorney other than the county attorney or deputy county attorney,"; and in line 21, after the underscored comma insert "as provided in section 43-512,".

4. On page 17, line 3 strike "or authorized attorney"; in line 9 after "attorney" insert "or an attorney appointed by the district court to initiate enforcement proceedings"; and in line 14 after "attorney" insert ", as provided in section 43-512,".

The amendment was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Mr. Schmit offered the following amendment:
AM1150

1. On page 11, line 14, after "8." insert "(1)"; and after line 27, insert "(2) If the decree contains an order or judgment for child support, it shall include the following statements:

Notice

In the event (respondent or petitioner) fails to pay any such child support payment, he or she shall appear before this court on a date to be determined by the court and show cause why such payment was not made. In the event that the (respondent or petitioner) fails

to pay and appear as so ordered, a warrant shall be issued for his or her arrest.".

2. Insert the following new section:

"Sec. 10. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

The amendment was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 371A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 326. Mr. Schmit renewed his pending amendment found in the Journal on page 1195.

The amendment lost with 20 ayes, 1 nay, 18 present and not voting, and 10 excused and not voting.

Mr. Beutler offered the following amendment:

On pg 2, line 12 insert "one dollar" and strike "seventy five cents"

Mr. Beutler moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Beutler amendment was adopted with 25 ayes, 6 nays, 8 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 350. Messrs. Vickers, Hoagland, and Haberman renewed their pending amendment found in the Journal on page 1414.

The amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 273. Mrs. Higgins asked unanimous consent to pass over.

Mr. Hefner objected.

Mrs. Higgins moved to pass over LB 273.

The motion to pass over prevailed with 16 ayes, 3 nays, 21 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 273A. Mrs. Higgins asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 214. E & R amendment, AM5090, found in the Journal on page 1306 for the Fifty-Seventh Day was adopted.

Mr. Hoagland asked unanimous consent to withdraw his pending amendment, AM0773, found in the Journal on page 1005. No objections. So ordered.

Mr. Hoagland renewed his pending amendment, AM0773, found in the Journal on page 1016.

The amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 108. E & R amendments, AM5094, found in the Journal on page 1306 for the Fifty-Seventh Day were adopted.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 1186. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 73A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 234A. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 57. Read. Considered.

Messrs. Pappas, Goodrich, and Rupp asked unanimous consent to be excused. No objections. So ordered.

Mrs. Higgins offered the following amendment:

In the 1st resolve after the words "verifiable freeze" add "to include on site inspections"

Messrs. Barrett and Chronister asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Hannibal asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Higgins moved for a Call of the House. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mrs. Higgins requested a roll call vote on her amendment.

Voting in the affirmative, 18:

Beutler	Carsten	DeCamp	Fowler	Higgins
Hoagland	Johnson, V.	Kilgarin	Labedz	Landis
Marsh	Morehead	Nichol	Remmers	Rupp
Sieck	Vickers	Wesely		

Voting in the negative, 0.

Present and not voting, 16:

Abboud	Beyer	Clark	Fenger	Goll
Haberman	Hannibal	Hefner	Jacobson	Johnson, L.
Johnson, R.	Lamb	Lundy	Peterson, H.	Peterson, R.
Von Minden				

Absent and not voting, 2:

Wagner	Warner

Excused and not voting, 13:

Barrett	Chambers	Chronister	Cullan	Eret
Goodrich	Kahle	Newell	Pappas	Pirsch
Schmit	Wiitala	Withem		

The Higgins amendment lost with 18 ayes, 0 nays, 16 present and not voting, 2 absent and not voting, and 13 excused and not voting.

The Chair declared the Call raised.

Messrs. R. Johnson, Hannibal, Carsten, Warner, Abboud, and Beyer asked unanimous consent to be excused until they return. No objections. So ordered.

MR. V. JOHNSON PRESIDING

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. L. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 8 ayes, 10 nays, and 31 not voting.

ADJOURNMENT

Mrs. Marsh moved to adjourn. The motion prevailed with 10 ayes, 9 nays, 12 present and not voting, and 18 excused and not voting and at 4:13 p.m., on a motion by Mrs. Marsh, the Legislature adjourned until 9:00 a.m., Friday, April 15, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-FIFTH DAY - APRIL 15, 1983

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

SIXTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 15, 1983

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Rev. Susan Davies, United Methodist Church, Pleasant Dale, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Cullan, Eret, V. Johnson, Kahle, Newell, and Rupp who were excused; and Messrs. Abboud, Carsten, Fowler, R. Johnson, Schmit, Warner, Wiitala, Miss Kilgarin, Mesdames Higgins, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1522, line 30, strike "pending" and insert "reoffered".
Page 1524, after line 17, insert "E & R amendment, AM5082, found in the Journal on page 1247 for the Fifty-Fifth Day was adopted.".
The Journal for the Sixty-Fourth Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 73, 304, 505, 565, and 620.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Changes to LB 73

The following changes, required to be reported for publication in the Journal, have been made:
ER0057

1. In the E & R amendment, AM5100, on page 1, the matter beginning with the second comma in line 2 through the first quotation mark in line 3 has been stricken; in line 3, "6" has been stricken and "5" inserted; and amendment 2 has been stricken.

2. On page 1, line 6, after the semicolon "to change provisions relating to licensing;" has been inserted.

Enrollment and Review Change to LB 304

The following changes, required to be reported for publication in the Journal, have been made:
ER0064

1. On page 1, line 8, "to change provisions relating to bidding procedures;" has been inserted before "to".

2. In the Standing Committee amendments, lines 10, 13, and 16 "revenues" has been stricken and "revenue" inserted.

3. To make the format consistent within the bill, the stricken matter on page 12 lines 1 to 22 has been moved to page 10, after line 22.

Enrollment and Review Changes to LB 505

The following changes, required to be reported for publication in the Journal, have been made:
ER0056

1. In the Schmit amendment found on page 1237 of the Journal, in amendment 4, line 1, "9" has been stricken and "8" inserted; in line 2 "10" has been stricken and "9" inserted; and in line 6 "strikes" has been stricken and "strike" inserted.

2. The new section added by the Schmit amendment found on page 1408 of the Journal has been numbered as section 10.

3. On page 1, line 5, "and" has been stricken; and in line 6 "; and to declare an emergency" has been inserted after "sections".

(Signed) Tristi J. Wilson
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Sieck asked unanimous consent to print the following amendment to LB 273 in the Journal. No objections. So ordered.

AM1147
1 1. On page 3, line 8, strike "ninety" and

2 insert "one hundred twenty".
3 2. On page 4, line 14, strike "shall" and
4 insert "may".

MESSAGE FROM THE GOVERNOR

April 13, 1983

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment requiring legislative confirmation:

Director, Department of Health, Henry D. Smith, M.D.

Respectfully submitted,

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Henry D. Smith, M.D.
Accountability and Disclosure Commission
Department of Administrative Services

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 56.

RESOLUTIONS

LEGISLATIVE RESOLUTION 61. Read. Considered.

LR 61 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 63. Read. Considered.

LR 63 was adopted 25 ayes, 0 nays, and 24 not voting.

MOTION - Approve Appointment

Mr. Haberman moved the adoption of the report of the Agriculture and Environment Committee for the following Governor appointment found in the Journal on page 1499: Gary S. Goldberg - Agricultural Products Industrial Utilization Committee.

Voting in the affirmative, 26:

Barrett	Beyer	Chronister	Clark	Fenger
Goodrich	Haberman	Hannibal	Hefner	Hoagland
Jacobson	Johnson, L.	Landis	Lundy	Marsh
Morehead	Peterson, H.	Peterson, R.	Pirsch	Remmers
Sieck	Vickers	Wagner	Warner	Wesely
Withem				

Voting in the negative, 0.

Present and not voting, 8:

Abboud	Beutler	DeCamp	Goll	Lamb
Nichol	Pappas	Von Minden		

Excused and not voting, 15:

Carsten	Chambers	Cullan	Eret	Fowler
Higgins	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Newell	Rupp	Schmit	Wiitala

The appointment was confirmed with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 410A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 1 nay, 8 present and not voting, and 15 excused and not voting.

MOTION - Return LB 90 to Select File

Mr. Landis moved to return LB 90 to Select File for his specific amendment, AM0855, found in the Journal on page 1084.

The motion to return prevailed with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 90. The Landis specific amendment, AM0855, found in the Journal on page 1084 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.

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 96 to Select File

Mr. Goodrich moved to return LB 96 to Select File for his specific amendment, AM1096, found in the Journal on page 1506.

The motion to return prevailed with 30 ayes, 0 nays, 8 present and not voting, 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 96. The Goodrich specific amendment, AM1096, found in the Journal on page 1506 was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 302A to Select File

Mr. Carsten moved to return LB 302A to Select File for his specific amendment found in the Journal on page 1280.

The motion to return prevailed with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 302A. The Carsten specific amendment found in the Journal on page 1280 was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 579 to Select File

Mr. R. Peterson moved to return LB 579 to Select File for the Haberman specific amendment, AM0982, found in the Journal on page 1289.

The motion to return prevailed with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 579. The Haberman specific amendment, AM0982, found in the Journal on page 1289 was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for Re-Engrossment.

Mr. Wagner asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 617. E & R amendments, AM5113, found in the Journal on page 1417 for the Sixty-First Day were adopted.

Mr. Hannibal renewed his pending amendment found in the Journal on page 1379.

Mr. Hannibal moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Hannibal requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Beutler	Goodrich	Hannibal	Hefner	Higgins
Hoagland	Labedz	Lamb	Landis	Lundy
Marsh	Nichol	Peterson, H.	Pirsch	Sieck
Warner	Wesely	Wiitala	Withem	

Voting in the negative, 17:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	Fenger	Goll	Jacobson	Johnson, L.
Kilgarin	Morehead	Pappas	Peterson, R.	Remmers
Vickers	Von Minden			

Absent and not voting, 1:

DeCamp

Excused and not voting, 12:

Chambers	Cullan	Eret	Fowler	Haberman
Johnson, R.	Johnson, V.	Kahle	Newell	Rupp
Schmit	Wagner			

The Hannibal amendment lost with 19 ayes, 17 nays, 1 absent and not voting, and 12 excused and not voting.

The Chair declared the Call raised.

Speaker Nichol changed his agenda to pass over LB 617.

LEGISLATIVE BILL 618. Mrs. Marsh requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 35 ayes, 2 nays, 4 present and not voting, and 8 excused and not voting.

Mr. Warner asked unanimous consent to bracket LB 618 on E & R Engrossment. No objections. So ordered.

LEGISLATIVE BILL 610. E & R amendments, AM5123, found in the Journal on page 1490 for the Sixty-Third Day were adopted.

Advanced to E & R for Engrossment.

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 265. Mr. Warner offered the following amendment:
AM1144
1. In the Standing Committee Amendments on page 1313 of the Journal, on page 1, line 14, after "compounded" insert "per annum".

The amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 64.

Introduced by Hoagland, 6th District; Kilgarin, 7th District; Wiitala, 31st District; V. Johnson, 8th District; DeCamp, 40th District; Morehead, 30th District.

WHEREAS, it is the responsibility of this nation's government to provide for the security and well being of all citizens and in that behalf utilize and put to direct practice all avenues of excellence and goodwill toward all people and nations; and

WHEREAS, this nation, in over two hundred years, has not established a proper organization within the federal government to establish and promote research and learning programs involving the use of peacemaking skills in our international relationships and to disseminate information regarding peacemaking efforts; and

WHEREAS, the lack of use of these efforts have caused great human suffering, vast physical destruction, and long lived financial costs impacting all elements of our lives today; and

WHEREAS, there exists in Congress at this time an effort to bring into being a United States Academy of Peace for the expressed purpose of providing for research, education, and dissemination of issues and information relating to conflict resolution and management; and

WHEREAS, we, as citizens of Nebraska, wish to help eliminate a perceived need for massive nuclear armaments and encourage the recognition of the need to spend a more reasonable amount for a required military force; and

WHEREAS, we, as citizens of Nebraska, acknowledge the expressed need for the definite aspects of peacelearning, peacemaking, and peacekeeping; and

WHEREAS, we, as citizens of Nebraska, wish to join the rest of the nation and give a sign to other people and nations that we truly want to live in and be part of a world in which peace and justice exist for all.

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

1. That the Legislature enthusiastically supports the proposed United States Academy of Peace.

2. That the Legislature and the state are deeply committed to their roles in peacekeeping activities and wish to likewise bring the same enthusiasm to peacelearning efforts that we may better improve, extend, and expand our local, national, and international peacemaking skills.

3. That the Legislature, the State of Nebraska, and the agencies of the state support future efforts in this state and others to uphold the United States Academy of Peace and to further its program.

4. That a copy of this resolution be sent to the President of the United States and Nebraska's Congressional delegation.

Laid over.

LEGISLATIVE RESOLUTION 65.

Introduced by Higgins, 9th District; Hoagland, 6th District; Jacobson, 33rd District; L. Johnson, 15th District; Beutler, 28th District.

PURPOSE:

To study the Rules of the Nebraska Legislature including the following issues:

(1) Effective use of time;
(2) Priority bills process;
(3) Germaneness;
(4) Interim studies;
(5) Legislative committees;
(6) Clarification of the rules; and
(7) Any additional areas of concern which the committee considers important to improve the rules and procedures of the Legislature.

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

1. That the Rules Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Rules Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 336 in the Journal. No objections. So ordered.

AM1157

(Amendments to the Standing Committee Amendments)

1. On page 1, line 4, after the first comma insert "line 14, strike 'and' and after '77-3425,' insert 'and 79-1332'; and in".

2. Strike amendment 8 and insert the following new amendment:

"8. Strike original section 32 and insert the following new sections:

'Sec. 37. That section 79-1332, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1332. There is hereby established in the state treasury a special fund to be known as the School Foundation and Equalization Fund. Such fund shall consist of revenue transferred from the State Lottery Fund and such sums as the Legislature may appropriate, and shall be administered by the State Board of Education. Any money in the School Foundation and Equalization Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to ~~72-1259~~ 72-1269.

Sec. 38. Beginning in fiscal year 1984-85, and each fiscal year thereafter, the Legislature shall transfer all money in the State Lottery Fund, less expenditures authorized in section 31 of this act, to the School Foundation and Equalization Fund.' ".

3. On page 3, line 13, strike "77-3506" and insert "79-1332".

Mrs. Labedz asked unanimous consent to print the following amendments to LB 174 in the Journal. No objections. So ordered.

AM1149

1. On page 7, line 2, after "the" insert "appropriate".

AM1148

1. Strike original section 2 and all amendments thereto.

2. On page 10, strike beginning with "and" in line 5 through "1982," in line 6.

3. Renumber remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 267. Advanced to E & R for Engrossment.

MOTHERS OF THE YEAR

Mrs. Morehead, Messrs. Clark, and Wesely escorted the Mother of the Year, Mrs. Eulalia Pelster of Sidney, Nebraska, the Young Mother of the Year, Mrs. Cheryl Kahle of Lincoln, Nebraska, and State President of Nebraska Mothers Association of American Mothers, Inc., Mrs. Margaret Hasebroock to the rostrum.

Mrs. Pelster and Mrs. Kahle spoke to the members briefly.

SELECT FILE

LEGISLATIVE BILL 271. E & R amendment, AM5124, found in the Journal on page 1491 for the Sixty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 410. E & R amendments, AM5125, found in the Journal on page 1498 for the Sixty-Third Day were adopted.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

MR. BEUTLER PRESIDING

Mr. Hoagland renewed his pending amendment, AM1090, found in the Journal on page 1482.

Speaker Nichol asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Hoagland asked unanimous consent to withdraw his pending amendment found in the Journal on page 1482. No objections. So ordered.

Mr. Warner renewed his pending amendment found in the Journal on page 1504.

The amendment was adopted with 27 ayes, 1 nay, 10 present and not voting, and 11 excused and not voting.

Mr. Hoagland moved to pass over LB 410.

The Hoagland motion lost with 8 ayes, 23 nays, 9 present and not voting, and 9 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to E & R for Engrossment with 31 ayes, 6 nays, 4 present and not voting, and 8 excused and not voting.

ANNOUNCEMENT

Speaker Nichol announced that LB's 124, 621, 490, 470, 408, and 239 will be debated as Special Order bills on Tuesday afternoon, April 19, 1983.

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 14, 1983. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Babbitt, Ellis C. - Omaha, Nebraska Credit Union League
Emra, Christina - Eagle, (Withdrawn 4/11/83), Loren Brakenhoff
Erickson, Sederstrom, Leigh, Eisenstatt, Johnson, Kinnamon, Koukol & Fortune, P.C.:
Thone, Charles - Lincoln, Iowa Beef Processors, Inc.
Kelley, Michael - Omaha, Omaha Auto Auction, Inc.
Ryan, James E. - Lincoln, Nebraskans For Fair Business Taxation
Tews & Radcliffe:
Radcliffe, Walter H. - Lincoln, Nebraskans For Fair Business Taxation
Weaver, Walter D. - Plattsmouth, Cominco American Incorporated

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 410 in the Journal. No objections. So ordered.

AM1155

1. On page 2, line 25, strike "and commencing", show as stricken, and insert ", except that three and one-third million dollars received from such tax shall first be appropriated to the University of Nebraska for fiscal year 1983-84. Commencing".

2. In the Standing Committee amendments, on page 5, line 5, before "(3)" insert "and"; and strike beginning with the semicolon in line 8 through "dollars" in line 11.

Mr. Pappas asked unanimous consent to print the following

amendment to LB 336 in the Journal. No objections. So ordered.

AM1153

(Amendments to the DeCamp amendment, AM1141)

1. On page 1, strike beginning with "strike" in line 1 through "insert" in line 2 and insert "Insert"; in line 4 strike "Section 1" and insert "Sec. 33"; in line 9 after the second comma insert "and"; in line 10 strike the comma and insert "such activity"; strike beginning with "The" in line 11 through the period in line 14; in line 15 strike "2" and insert "34"; in line 20 after "state" insert ", except for proceeds from a lottery operated by the state pursuant to this act"; in line 21 strike "to" and insert "in", after "the" insert "state"; and after "Fund" insert an underscored period; and strike beginning with "which" in line 21 through line 23.

2. On page 2, strike lines 1 through 17; in line 18 strike "5" and insert "35" and strike "Lottery Activity Control"; in line 19 strike "Commission" and insert "commission"; and in line 20 after "of" insert "sections 33 and 34 of".

3. On page 3, line 15, strike "6" and insert "44"; and after line 17 insert:

"2. On page 19, line 25, after 'shares' insert ', all funds received pursuant to section 34 of this act,'.

3. On page 23, line 7, reinstate the stricken matter, strike 'The' and insert 'and the'; and reinstate the stricken matter in lines 11 through 17.

4. In the Standing Committee amendments (a) on page 1, line 19, strike '33' and insert '36'; and (b) on page 2, line 7, strike '34' and insert '37'; and in line 16 strike '39' and insert '42'.

5. Renumber remaining sections accordingly.".

4. Insert underscoring in renumbered sections 33 to 35 in the DeCamp amendment.

Mr. Beutler asked unanimous consent to print the following amendment to LB 174 in the Journal. No objections. So ordered.

AM1152

1. On page 7, after line 9; and on page 10, after line 1, insert:

"It shall be an affirmative defense to prosecution for any violation of sections 37-216.01 to

37-216.09 or section 1 of this act for which possession is an element of the offense that such possession was not the result of effort or determination or that the actor was unaware of his or her physical possession or control for a sufficient period to have been able to terminate such possession or control.".

Mr. Warner asked unanimous consent to print the following amendment to LB 607 in the Journal. No objections. So ordered.

In the standing committee amendments to LB 607 (AM-0989) on page 1316 of the Legislative Journal, on page 1, in line 18, reinstate "Director of Administrative Services" and after "Services" insert "as directed by the".

SELECT FILE

LEGISLATIVE BILL 629. Mr. Warner offered the following amendment to the pending Appropriations Committee amendment found in the Journal on page 1466:
PURPOSE: To reduce the salary limitation to reflect the deletion of funding for the operation and maintenance of the Summit Lake Natural Resources District lake, which funding is now included in LB 628 with the adoption of the Goll amendment.
AMENDMENT:
In the Committee amendment on page 6, after line 14, strike "50,128" and insert "39,620".

The amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

The Appropriations Committee amendment found in the Journal on page 1466 was adopted as amended with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Mr. Warner offered the following amendment:
PURPOSE: To eliminate funding for the operation and maintenance of the Summit Lake Natural Resources District lake, which funding is now included in LB 628 pursuant to adoption of the Senator Goll amendment.
AMENDMENT:
On page 6, lines 13 and 14, strike "157,468" and insert "113,890"; and strike beginning with the first "," in line 18 through "Lake" in line 20.

The amendment was adopted with 28 ayes, 0 nays, 13 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.

UNANIMOUS CONSENT - Print in Journal

Messrs. Hoagland, Landis, Carsten, Wiitala, Wesely, and Mrs. Marsh asked unanimous consent to print the following amendment to LB 628 in the Journal. No objections. So ordered.

AM1156

1. In the DeCamp amendment, AM1113, found on page 1468 of the Journal, on page 1, lines 7 and 8, strike "147,591,863" and insert "151,591,863".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 121, 121A, 142, 180, 237, 272, 533, and 624.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 121

The following changes, required to be reported for publication in the Journal, have been made:
ER0068

1. On page 1, line 3, after the semicolon "to exclude certain provisions from budget limitations;" has been inserted.

Enrollment and Review Changes to LB 142

The following changes, required to be reported for publication in the Journal, have been made:
ER0069

1. In the E & R amendments on page 1, line 3, "and" has been inserted before "81-197".

2. On page 1, line 4, "a board of examiners" has been stricken and "the Board of Examiners in Chiropractic" has been inserted.

Enrollment and Review Change to LB 180

The following changes, required to be reported for publication in the Journal, have been made:
ER0066

1. In the Standing Committee amendments on page 1, line 8, "sections 1 to 3 of" has been inserted after "in".

Enrollment and Review Change to LB 237

The following changes, required to be reported for publication in the Journal, have been made:
ER0065

1. In the Standing Committee amendments on page 1, line 16, the comma has been stricken; and in line 17 the first comma has been stricken.

2. In the DeCamp amendment adopted April 12, in line 3, "Section 5(2)" has been stricken and "subsection (2) of section 5 of this act" has been inserted.

3. On page 3, line 17, "effective" has been stricken and "operative" has been inserted; and on page 13, line 4, "To have" has been stricken and "Have" has been inserted.

Enrollment and Review Change to LB 533

The following changes, required to be reported for publication in the Journal, have been made:
ER0067

1. On page 1, line 2, "section" has been stricken and "sections 85-180.03, 85-180.04, and" has been inserted; the material beginning with "required" in line 4 through "confirmed" in line 7 has been stricken and "funding as prescribed; to change conditions relating to the construction of such college as prescribed; to provide a termination date" has been inserted; and in line 8 "section" has been stricken and "sections 85-180.06 and" inserted.

Enrollment and Review Changes to LB 624

The following changes, required to be reported for publication in the Journal, have been made:
ER0061

1. On page 1, line 3, after the semicolon "to provide duties for school boards;" has been inserted.

2. On page 3, line 11, "the state and" has been stricken; and in line 22 "of" has been stricken.

(Signed) Tristi J. Wilson
E & R Attorney

UNANIMOUS CONSENT - Bracket LB 607

Mr. Warner asked unanimous consent to bracket LB 607 on E & R Engrossing. No objections. So ordered.

UNANIMOUS CONSENT - Bracket LB 629

Mr. Warner asked unanimous consent to bracket LB 629 on E & R Engrossing. No objections. So ordered.

VISITORS

Visitors to the Chamber were 75 fourth grade students and instructors from Fontenelle School, Omaha; 17 seventh and eighth grade students, teachers, and parents from District 9, Columbus; 9 sixth and seventh grade students and teacher from Republican Valley School, Indianola; 35 eighth grade students, teacher, and sponsors from Hildreth; and 6 F.F.A. members, sponsor, and instuctor.

ADJOURNMENT

At 11:36 a.m., on a motion by Mrs. Higgins, the Legislature adjourned until 10:00 a.m., Monday, April 18, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-SIXTH DAY - APRIL 18, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

SIXTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 18, 1983

Pursuant to adjournment, the Legislature met at 10:03 a.m., President McGinley presiding.

PRAYER

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

ROLL CALL

The roll was called and all members were present except Mr. L. Johnson who was excused; and Messrs. Chambers, Newell, Schmit, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1484, line 16, strike "Peterson, H." and insert "Peterson, R.".
The Journal for the Sixty-Third Day was approved as corrected.
The Journal for the Sixty-Fifth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 433. Placed on Select File as amended.
E & R amendments to LB 433:
AM5128

1. On page 5, lines 22, 23, and 24, strike "to".
2. On page 8, line 6, strike the first "to"; in line 7 strike "to"; in lines 9, 13, and 15 strike the second "to"; and in line 17 after the semicolon insert "or" and strike "or to".
3. On page 12, line 3, strike "association" and insert "associations".

4. On page 30, line 25, strike "subsection" and insert "subsections".

5. On page 40, line 27, strike "in".

6. On page 53, strike "attorneys" and insert "attorney's".

7. On page 69, line 9, strike "and".

8. On page 92, line 15 after "act" insert a comma.

9. In the Standing Committee Amendments, on page 2, line 26, after the first "Built" insert a semicolon.

LEGISLATIVE BILL 585. Placed on Select File.
LEGISLATIVE BILL 585A. Placed on Select File.

(Signed) Rod Johnson, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 78
April 14, 1983

Dear Senator DeCamp:

You have requested that we review some proposed amendments to LB 336. The amendments that you have provided to us do not carry a number assigned by the revisor of statutes. They appear to be a draft copy. In substance, the amendment imposes a 7 percent tax on all lotteries conducted within the State of Nebraska; vests in the regulatory commission to be established in Section 58 of LB 259 rule making power and authority to regulate, control and supervise conduct of lotteries. You ask us to review these proposed amendments to determine whether they are constitutional.

Since you have indicated that there is an extreme urgency with respect to your request, substantial research has not been possible. We may, however, generally state that an amendment which intends to impose a tax on the gross proceeds of lotteries conducted within the state would be constitutional. See, State v. Smith, 135 Neb. 423, 281 N.W.2d 851 (1938) and Thorin v. Burke, 146 Neb. 94, 18 N.W.2d 664 (1945).

The second matter that we wish to discuss with respect to your request relates to granting the rule making power to the regulatory commission established by LB 259. While the proposed amendment lists four areas in which the commission is to act, we have some difficulty with the provision which states that the commission shall "Develop procedures and techniques to insure that no improper elements or

operators of any lottery activity are operating with the State". We are unable to determine what would constitute an "improper element" or an "improper operator."

Arguably, we are able to determine what an improper lottery activity would be by referring to the general lottery statute which sets forth the elements of a lottery. We have been unable to find any definition of "improper elements" or "improper operators." We believe that this particular provision violates the restrictions on delegating legislative authority. It appears to us to be vague and perhaps overbroad.

The Nebraska Supreme Court in dealing with a statute which provided that the erection or maintenance of an advertising sign visible from the main travel portion of the interstate system was vague.

> "It is a basic principle of due process that an enactment is void for vagueness if its prohibitions are not clearly defined. Vague laws offend several important values. First, because we assume that man is free to steer between lawful and unlawful conduct, we insist that laws give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly. Vague laws may trap the innocent by not providing fair warning. Second, if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. A vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory application."

State v. Mayhew Products Corp., 211 Neb. 300, 305, 318 N.W.2d 280 (1982).

In addition to the vagueness associated with the use of the term "improper elements or operators," we can conceive of a situation in which a rule would be adopted which would be so broad as to sweep within its net totally innocent people. We therefore are constrained to say that the proposed amendments granting the authority to adopt rules and regulations to ensure that "improper elements or operators" is an improper delegation of legislative authority in that no standards or criteria are laid down to guide the administrative agency.

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

PTO/cmb/th4
cc: Patrick J. O'Donnell
Clerk of the Legislature

REPORT OF EMPLOYEES

TO: Patrick O'Donnell, Clerk of the Legislature
FROM: Laura Ashelford, Legislative Accountant
RE: Session Employee Expense

During the month of March, 1983, 153 full and part-time Senators session employees and temporary session employees were paid a total of $167,023.46. Of this amount, $310.88 was overtime.

Detailed information is on file in the Accounting and Budgeting Office.

UNANIMOUS CONSENT - Print in Journal

Messrs. Clark and DeCamp asked unanimous consent to print the following amendment to LB 253 in the Journal. No objections. So ordered.

AM1160

1. In the Standing Committee amendments on page 2 strike lines 15 and 16 and insert "6. Strike original section 12.".

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 626. Placed on General File as amended.
Standing Committee amendments to LB 626:
AM1131

1. On page 2, line 1, strike "70" and insert "69".
2. On page 13, strike beginning with the colon in line 21 through "Manufacturing" in line 22 and insert "manufacturing".
3. On page 14, strike beginning with the semicolon in line 5 through "buildings" in line 12.
4. On page 16, line 7, after "accommodations" insert "for low and moderate-income persons".
5. On page 17, line 9, strike "Policy Research" and insert "Agriculture"; in line 11 strike "four" and insert "five"; in line 19 strike "and"; in line 21 strike the period and insert "; and"; and after line 21 insert "(v) One shall be experienced in agricultural production.".
6. Strike original section 45.
7. On page 40, line 22, strike "52" and insert "51".
8. On page 46, line 21, strike "62" and insert

"61".

9. On page 51, line 20, after the period insert "The rules and regulations adopted by the Nebraska Mortgage Finance Fund, the Agricultural Development Corporation, and the Nebraska Development Finance Fund shall remain in effect until amended, repealed, or replaced by the authority."; and in line 27 strike "70" and insert "69".

10. On page 52, lines 10, 23, and 27 and page 53, line 6 strike "70" and insert "69".

11. Renumber remaining sections accordingly.

(Signed) John W. DeCamp, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 60. Read. Considered.

LR 60 was adopted with 43 ayes, 0 nays, and 6 not voting.

LEGISLATIVE RESOLUTION 64. Read. Considered.

LR 64 was adopted with 28 ayes, 1 nay, and 20 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 602. With Emergency.

A BILL FOR AN ACT relating to appropriations; to make deficiency appropriations; to provide for transfer of certain funds; to amend Laws 1982, LB 756, section 1, Laws 1982, LB 761, sections 15, 22, 30, 36, and 62, and Laws 1982, Second Special Session, LB 1, sections 1, 3, 7, 10, 11, 13, 15, 20, 25, 27, 29, 33, 35, 36, 41, 47, 49, 57, 58, 59, and 72; 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp

Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala	Withem			

Voting in the negative, 1:

Newell

Excused and not voting, 1:

Johnson, L.

A constitutional 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 76-901, 76-902, and 76-903, Reissue Revised Statutes of Nebraska, 1943, relating to the Documentary Stamp Act; to change provisions relating to the taxation of certain deeds; to clarify exemptions; to clarify duties of the register of deeds; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 0.

Excused and not voting, 1:

Johnson, L.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTIONS

LEGISLATIVE RESOLUTION 66.

Introduced by Marsh, 29th District.

WHEREAS, the health and well-being of our children underlie the future of our state and our nation; and

WHEREAS, child abuse and child neglect continue to threaten the lives and health of over a million of our nation's children; and

WHEREAS, children may be endangered by physical battering, denial of the basic necessities for life and health, sexual abuse, and emotional cruelty; and

WHEREAS, any child's anguish challenges us as parents, neighbors, and citizens to increase our attention and intensify our efforts to prevent the abuse of all children.

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

1. That the Legislature proclaim the month of April as Nebraska Child Abuse Prevention Month.

2. That the Legislature urges all citizens to support and take part in activities which are designed to prevent and treat child abuse and neglect.

Laid over.

LEGISLATIVE RESOLUTION 67.

Introduced by Marsh, 29th District.

PURPOSE:

The purpose of this resolution is to:

(1) Study the need for expanded roles in nursing in recognition of the need for and desire of Nebraska consumers to have access to safe, low-cost health care options;

(2) Study the impact that certified nurse-midwives across the country have had on cost-effective, safe, personalized health care; and

(3) Study the potential benefit that certified nurse-midwives, by presenting an alternative method of cost-effective, safe, personalized health care, could provide the citizens of Nebraska.

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

1. That the Public Health and Welfare Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Public Health and Welfare Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 585 in the Journal. No objections. So ordered.

AM1174

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The Legislature hereby recognizes and declares that education in mathematics, science, social studies, and English is important to the welfare of the state. The Legislature further recognizes that there is a shortage of teachers in the areas of social studies, English, and especially mathematics and science. A major factor in such shortage is the greater salaries of other jobs and careers which exist for both current and future teachers. Beginning salaries in other areas for technically trained people have risen sharply relative to teacher salaries. In addition, support for teacher training, equipment, and supplies has dwindled. Thus, the quality of the teaching corps throughout the state has declined and can be expected to worsen as such teachers continue to leave teaching for other jobs or retirement. In recognition of the declining quality of the teaching corps and the greater demand for educated students and teachers in mathematics, science, social studies, and English, the Legislature needs to insure that adequate training in such subjects is provided to all students and to insure that such training is provided by qualified individuals.

Sec. 2. (1) Beginning on August 1, 1984, each high school student in the state enrolled in the ninth, tenth, eleventh, and twelfth grades shall be required to annually complete at least ten credit hours in each of the areas of mathematics, science, social studies, and English which shall be taught by persons specifically certified to teach mathematics, science, social studies, or English. No high school student shall graduate until such requirements have been successfully completed. In order to fulfill the requirements of this section, a local school board may employ teachers specifically certified to teach such subjects at a greater salary than other teachers. The requirements of this section shall not be construed to require the completion of any specific subjects prior to August 1, 1984.

(2) Any high school which does not offer the instruction required by subsection (1) of this section to its students shall lose its accreditation status. The State Department of Education shall make the determination of whether a teacher is specifically certified to teach the subjects listed in subsection (1) of this section and shall also determine if a high school is in violation of this act.

Sec. 3. This act shall become operative on August 1, 1984.".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 585 in the Journal. No objections. So ordered.

AM1162

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The Legislature hereby recognizes and declares that education in mathematics, science, social studies, and English is important to the welfare of the state. The Legislature further recognizes that there is a shortage of teachers in the areas of social studies, English, and especially mathematics and science. A major factor in such shortage is the greater salaries of other jobs and careers which exist for both current and future teachers. Beginning salaries in other areas for technically trained people have risen sharply relative to teacher salaries. In addition, support for teacher training, equipment, and supplies

has dwindled. Thus, the quality of the teaching corps throughout the state has declined and can be expected to worsen as such teachers continue to leave teaching for other jobs or retirement. In recognition of the declining quality of the teaching corps and the greater demand for educated students and teachers in mathematics, science, social studies, and English, the Legislature needs to insure that adequate training in such subjects is provided to all students and to insure that such training is provided by qualified individuals.

Sec. 2. (1) Beginning on August 1, 1984, each high school student in the state enrolled in the ninth, tenth, eleventh, and twelfth grades shall be required to annually complete at least ten credit hours in each of the areas of mathematics, science, social studies, and English which shall be taught by persons specifically certified to teach mathematics, science, social studies, or English, except as otherwise provided by subsection (3) of this section. No high school student shall graduate until such requirements have been successfully completed. The requirements of this section shall not be construed to require the completion of any specific subjects prior to August 1, 1984.

(2) Any high school which does not offer the instruction required by subsection (1) of this section to its students shall lose its accreditation status. The State Department of Education shall make the determination of whether a teacher is specifically certified to teach the subjects listed in subsection (1) of this section and shall also determine if a high school is in violation of this act.

(3) Instead of the certified individuals required in subsection (1) of this section, a school board may employ persons to fill such positions who are not certified to teach if such persons have satisfactorily completed a test developed and administered by the State Department of Education which demonstrates that such persons possess expertise in mathematics, science, social studies, or English.

(4) If noncertified individuals are hired pursuant to subsection (3) of this section, the local school board may employ such persons on contracts and at salaries which differ from certified teachers. Such contracts may provide for benefits, other than salary, different from those received by certified individuals

or for no benefits.

Sec. 3. That section 79-1233, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1233. (1) No person shall be employed to teach in any public, private, denominational, or parochial school in this state who does not hold a valid Nebraska certificate or permit issued by the Commissioner of Education legalizing him or her to teach the grade or subjects to which elected, except as provided in section 2 of this act and except that no Nebraska certificate or permit shall be required of persons teaching exclusively in junior colleges organized as part of the public school system.

(2) Public, private, denominational, or parochial schools in the state may employ persons who do not hold a valid Nebraska teaching certificate or permit issued by the Commissioner of Education to serve as aides to a teacher or teachers. Such teacher aides may not assume any teaching responsibilities. A teacher aide may be assigned duties which are nonteaching in nature, if the employing school has assured itself that the aide has been specifically prepared for such duties, including the handling of emergency situations which might arise in the course of his or her work.

Sec. 4. This act shall become operative on August 1, 1984.

Sec. 5. That original section 79-1233, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 618 in the Journal. No objections. So ordered.

AM1158

1. Insert the following new section:

"Sec. 2. That Laws 1982, LB 522, section 45, be amended to read as follows:

Sec. 45. The provisions of this act shall become operative on July 1, ~~1983~~ 1984.".

2. In the Standing Committee Amendments on page 1, line 3, strike "Section" and insert "section"; and in line 4 strike "is" and insert "and Laws 1982, LB 522, section 45, are"; in line 7 after "1982," insert "and Laws 1982, LB 522, section 45,"; in line 9 after the first semicolon insert "to delay an operative date

12 with respect to public welfare programs;" and strike
13 "section" and insert "sections".
14 3. Renumber remaining sections accordingly.

MOTION - Return LB 209 to Committee

Mr. V. Johnson moved to return LB 209 to the Education Committee for a public hearing.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 12 nays, and 12 not voting.

The V. Johnson motion to return LB 209 to Committee lost with 12 ayes, 30 nays, 6 present and not voting, and 1 excused and not voting.

MOTION - Return LB 209 to Select File

Mr. Chambers moved to return LB 209 to Select File for the following specific amendment:
Page 2, strike lines 11-18.

Mr. Sieck asked unanimous consent to to be excused until he returns. No objections. So ordered.

Mr. DeCamp asked unanimous consent to pass over LB 209. 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 to amend sections 77-801 and 77-802, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to change provisions relating to franchise taxes; 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:

Abboud Barrett Beutler Beyer Carsten

Chambers	Chronister	Clark	Cullan	DeCamp
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Hoagland	Jacobson	Johnson, R.
Johnson, V.	Kahle	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Remmers	Rupp
Schmit	Vickers	Von Minden	Wagner	Wesely
Wiitala	Withem			

Voting in the negative, 0.

Present and not voting, 5:

Eret	Higgins	Kilgarin	Pirsch	Warner

Excused and not voting, 2:

Johnson, L. Sieck

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 397.

A BILL FOR AN ACT relating to motor vehicles; to provide additional requirements for certain commercial vehicles as prescribed; to provide duties for the Department of Motor Vehicles; and to provide a penalty.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, R.	Johnson, V.	Kahle	Labedz
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Remmers	Rupp	Schmit	Vickers	Von Minden
Wagner	Wesely	Wiitala	Withem	

Voting in the negative, 0.

Present and not voting, 3:

Kilgarin Pirsch Warner

Excused and not voting, 2:

Johnson, L. Sieck

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 400.

A BILL FOR AN ACT to amend section 71-2021, Reissue Revised Statutes of Nebraska, 1943, relating to various health care facilities; to change provisions relating to licenses; to permit certain nursing homes to obtain one license while providing multiple categories of services; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 0.

Excused and not voting, 1:

Johnson, L.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 415.

A BILL FOR AN ACT to amend section 43-904, Reissue Revised Statutes of Nebraska, 1943, relating to infants; to change provisions relating to the placement of dependent and neglected children; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 0.

Excused and not voting, 1:

Johnson, L.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 424 to Select File

Mr. Beutler moved to return LB 424 to Select File for the following specific amendment:
AM1089

(Final Reading Copy)

1. Insert the following new section:

"Sec. 2. That section 48-1003, Revised Statutes Supplement, 1982, be amended to read as follows:

48-1003. (1) The prohibitions of sections 48-1001 to 48-1009 shall be limited to the employment of individuals who are at least forty years of age but less than seventy years of age.

(2) Nothing contained in sections 48-1001 to

48-1009 shall be construed as making it unlawful for an employer, employment agency, or labor organization (a) to take action otherwise prohibited under the provisions of sections 48-1001 to 48-1009 when age is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business, or when the differentiation is based on reasonable factors other than age, such as physical conditions; or (b) to discharge or otherwise discipline an employee for good cause.".

2. On page 1, line 2, after "1943," insert "and section 48-1003, Revised Statutes Supplement, 1982,"; and in line 3, after the second semicolon insert "to change limitations;".

3. On page 2, line 5, strike "3" and insert "4".

4. On page 4, strike beginning with "In" in line 5 through line 15; and in line 19, strike "5" and insert "6".

5. On page 5, line 3, after "subdivisions," insert "regardless of the number of employees,"; and strike beginning with "In" in line 24 through line 27.

6. On page 6, strike lines 1 through 6; and in line 9 after "1943," insert "and section 48-1003, Revised Statutes Supplement, 1982,".

7. Renumber the remaining sections accordingly.

The motion to return prevailed with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 424. The Beutler specific amendment found in this day's Journal was adopted with 41 ayes, 0 nays, 7 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 440.

A BILL FOR AN ACT to amend section 28-612, Reissue Revised Statutes of Nebraska, 1943, relating to crimes and punishments; to change a penalty; 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, 47:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala	Withem			

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 1:

Johnson, L.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 461.

A BILL FOR AN ACT to amend sections 59-1705, 59-1725, 59-1732, 59-1733, 59-1735, and 59-1737 to 59-1740, Revised Statutes Supplement, 1982, relating to seller-assisted marketing plans; to eliminate information sheets and require disclosure documents; to redefine sellers; to change the powers of the Director of Banking and Finance; to repeal the original sections, and also section 59-1734, Revised Statutes Supplement, 1982.

Whereupon the 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 0.

Excused and not voting, 1:

Johnson, L.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 511.

A BILL FOR AN ACT to amend section 43-666, Revised Statutes Supplement, 1982, relating to children; to change provisions relating to enforcement and appeal of certain orders; and to repeal the original section.

Whereupon the 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 0.

Excused and not voting, 1:

Johnson, L.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 541.

A BILL FOR AN ACT to amend section 71-173, Reissue Revised Statutes of Nebraska, 1943, relating to the practice of podiatry; to define a term; 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, 41:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Fowler	Goll
Goodrich	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Marsh	Morehead
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Wiitala
Withem				

Voting in the negative, 4:

Cullan	Fenger	Haberman	Newell

Present and not voting, 3:

Chambers	Eret	Lundy

Excused and not voting, 1:

Johnson, L.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 587.

A BILL FOR AN ACT relating to agricultural lands; to eliminate certain corporate reporting requirements; and to repeal sections 76-1501 to 76-1506, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Fenger	Fowler
Goll	Goodrich	Haberman	Hannibal	Hefner
Higgins	Jacobson	Johnson, R.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Nichol	Pappas	Peterson, H.	Peterson, R.	Remmers
Schmit	Sieck	Von Minden	Wagner	Warner
Wiitala	Withem			

Voting in the negative, 10:

Chambers	Cullan	Hoagland	Johnson, V.	Morehead
Newell	Pirsch	Rupp	Vickers	Wesely

Present and not voting, 1:

Eret

Excused and not voting, 1:

Johnson, L.

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 343. Placed on Select File as amended.
E & R amendments to LB 343:
AM5127

1. On page 1, strike beginning with "to" in line 2 through "prescribed" in line 4 and insert "relating to property interests; to amend section

25-205, Reissue Revised Statutes of Nebraska, 1943, and sections 9-307, 9-401, 9-403, 9-411, and 9-412, Uniform Commercial Code; to provide intent; to provide for a filing system as prescribed; to create a council and provide for its termination; to create a fund; to change provisions relating to actions to recover collateral; to change a provision relating to the protection of buyers of goods; to change the place of filing; to change and impose certain fees as prescribed; to harmonize provisions"; and in line 5 strike "section" and insert "sections".

2. In the DeCamp Amendment, (a) on page 3, line 4, strike "Filings" and insert "filings"; and in line 16 strike "ownershipof" and insert "ownership of"; and (b) on page 4, line 22, strike " 'state' " and insert " 'State' ".

3. Because of the DeCamp amendments 10 and 11 (a) in the Standing Committee amendments, on page 11, line 21, strike "; inquiries"; and on page 16, line 18, strike "(10)" and in line 19 strike "subsection (4) of"; (b) move the new matter on page 16 of the Standing Committee amendments beginning with "Upon" in line 18 through line 23 to the DeCamp amendment, page 1, after line 20; and (c) in the DeCamp amendment on page 4, line 23, after the semicolon insert "and"; and on page 5 strike beginning with the semicolon in line 2 through the last quotation mark in line 3.

LEGISLATIVE BILL 343A. Placed on Select File.
LEGISLATIVE BILL 410A. Placed on Select File.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Fenger asked unanimous consent to print the following amendment to LB 490 in the Journal. No objections. So ordered.

AM0900

1. In the Standing Committee Amendments on page 1062 of the Journal on page 2, line 18, after "Cooperate" insert "with".

Mr. Warner asked unanimous consent to print the following amendment to LB 630 in the Journal. No objections. So ordered.

Strike Section 14, authorizing the Board of Regents of the University of Nebraska to acquire computer equipment, and renumber remaining sections accordingly.

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 228. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - AM1140.)

(Signed) Calvin F. Carsten, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 79
April 15, 1983

Dear Senator Pirsch:

You have asked whether or not there are any constitutional problems with LB 77. We do perceive a constitutional problem.

Section 2 makes the effectiveness of the act dependent upon a constitutional amendment. The section does not specify what constitutional amendment must be adopted, nor does it identify the intent or purpose of the constitutional amendment. Statutes which are unconstitutional at the time they are adopted are a nullity. See, Board of Educational Lands and Funds v. Gillett, 158 Neb. 558, 64 N.W.2d 105 (1954); and State v. Bardsley, 185 Neb. 629, 177 N.W.2d 599 (1970).

Ordinarily, an unconstitutional statute cannot become valid where the reason for its invalidity has been removed without reenactment. See, Snyder v. Woxo, Inc., 185 Neb. 545, 177 N.W.2d 281 (1970). Thus, a statute which was unconstitutional when passed is a nullity, and the fact that the constitution is changed to authorize the particular statute which was enacted at a time that it was not possible, does not revive the statute. The statute would have to be repassed and reenacted after the cause of its invalidity, in this case a constitutional provision, was removed. Therefore, the bill, should it be passed, would clearly be unconstitutional assuming it is in violation of the constitution.

Part of the analysis of this question is whether or not the statute offends the constitutional provision. It does. Article VII, Section 5 of the Constitution of the State of Nebraska generally provides that fines, penalties, and license money should be appropriated exclusively for the use and support of the common schools and respective subdivisions where the same may accrue. The nature of the forfeiture which would be proposed under LB 77 would be within the categories which the

constitution requires to go to the support of the local school district. It therefore is in violation of this constitutional provision.

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

PTO:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature
2108 State Capitol
Lincoln, Nebraska 68509

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will meet in Room 1003 immediately upon adjournment today.

VISITORS

Visitors to the Chamber were Kathy Adkins; 19 students and teacher from St. Joseph's School, Lincoln; 42 students and teacher from Centura School, Boelus - Cairo - Dannebrog; 81 fourth grade students and teachers from Neihardt School, Millard; 120 junior high students and teachers from Beverage School, Omaha; and 22 students and teacher from Shelton High School, Shelton.

RECESS

At 12:17 p.m., on a motion by Speaker Nichol, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:36 p.m, President McGinley presiding.

ROLL CALL

The roll was called and all members were present except Mr. L. Johnson who was excused; and Messrs. Haberman, Lamb, Schmit, and Mrs. Labedz who were excused until they arrive.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting

business, the President signed the following bills: 602, 194, 353, 397, 400, 415, 440, 461, 511, 541, and 587.

RESOLUTION

LEGISLATIVE RESOLUTION 57. Considered.

Mrs. Marsh and Mr. Newell offered the following amendment:
AM1188

1. In line 2 of resolve 1 strike "an immediate," and insert "a".
2. In line 2 of resolve 1 after "freeze" insert "including appropriate on-site inspection".
3. Insert a new resolve as follows:
"2. That the Legislature encourages the United States and the Soviet Union to pursue such negotiation with all deliberate speed.".
4. Renumber resolves 2 and 3 as resolves 3 and 4, respectively.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The amendment was adopted with 25 ayes, 15 nays, 6 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

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. Wesely moved for a Call of the House. The motion prevailed with 21 ayes, 9 nays, and 19 not voting.

Mr. Wesely requested a roll call vote on the adoption of LR 57.

Voting in the affirmative, 23:

Beutler	Carsten	Chambers	Cullan	DeCamp
Eret	Fowler	Higgins	Hoagland	Johnson, V.
Kilgarin	Labedz	Landis	Marsh	Morehead
Newell	Rupp	Sieck	Vickers	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 23:

Abboud	Barrett	Beyer	Chronister	Clark
Fenger	Goll	Goodrich	Haberman	Hannibal
Hefner	Jacobson	Kahle	Lamb	Lundy
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Von Minden	Wagner		

Present and not voting, 1:

Johnson, R.

Excused and not voting, 2:

Johnson, L. Schmit

LR 57 lost with 23 ayes, 23 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 18, 1983, at 2:00 p.m., were the following bills: 602, 194, 353, 397, 400, 415, 440, 461, 511, 541, and 587.

(Signed) Jan Loder, Enrolling Clerk

SPEAKER'S ANNOUNCEMENT

Speaker Nichol announced LB 470 will be removed from Speaker's Order on Tuesday, April 19 and LB 626 will be placed on Speaker's Order for Tuesday, April 19.

UNANIMOUS CONSENT - Unbracket LB 628

Mr. DeCamp asked unanimous consent to unbracket and take up LB 628.

Mr. Warner objected to the unbracketing of LB 628.

SELECT FILE

LEGISLATIVE BILL 617. Mr. Eret renewed his pending amendment, AM1065, found in the Journal on page 1414.

Mr. Eret moved for a Call of the House. The motion prevailed with 16

ayes, 1 nay, and 32 not voting.

Mr. Eret requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	Cullan	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hefner	Higgins
Jacobson	Johnson, R.	Labedz	Lamb	Nichol
Pappas	Peterson, R.	Remmers	Rupp	Sieck
Von Minden				

Voting in the negative, 17:

Hannibal	Hoagland	Johnson, V.	Kahle	Kilgarin
Landis	Lundy	Marsh	Morehead	Newell
Peterson, H.	Pirsch	Vickers	Wagner	Warner
Wesely	Wiitala			

Present and not voting, 3:

Beutler	Chambers	Withem

Absent and not voting, 1:

Fowler

Excused and not voting, 2:

Johnson, L. Schmit

The Eret amendment was adopted with 26 ayes, 17 nays, 3 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Sieck asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers renewed his pending amendment, AM1082, found in the Journal on page 1437.

The amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Warner renewed the Appropriations Committee amendment found in the Journal on page 1466.

The amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Messrs. Beutler and Vickers offered the following amendment:

1. Page 2, line 4, strike "one hundred dollars" and insert "thirty six dollars."

Mr. Beutler moved for a Call of the House. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Beutler requested a roll call vote on the Beutler-Vickers amendment.

Voting in the affirmative, 15:

Abboud	Beutler	Chambers	DeCamp	Eret
Higgins	Hoagland	Johnson, V.	Labedz	Landis
Newell	Remmers	Vickers	Wiitala	Withem

Voting in the negative, 27:

Barrett	Beyer	Carsten	Chronister	Clark
Cullan	Goll	Goodrich	Haberman	Hefner
Jacobson	Johnson, R.	Kahle	Kilgarin	Lamb
Lundy	Marsh	Morehead	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Von Minden	Wagner
Warner	Wesely			

Present and not voting, 3:

Fenger	Hannibal	Rupp

Absent and not voting, 1:

Fowler

Excused and not voting, 3:

Johnson, L.	Schmit	Sieck

The Beutler-Vickers amendment lost with 15 ayes, 27 nays, 3 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. Warner renewed his pending amendment found in the Journal on page 1520.

The amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Miss Kilgarin and Mrs. Morehead offered the following amendment:

Strike the Kilgarin and Morehead amendment on page 1374 of the Journal adopted on April 7, 1983, and on page 6 of the Committee amendments on page 1171 of the Journal adopted on April 7, 1983, before the period in line 23, insert ", except that the fee for any additional copy or copies of a death certificate shall be three dollars".

Mr. Hannibal offered the following amendment to the Kilgarin-Morehead amendment:

On line 2, after 1983, Insert a period and strike the remainder of the amendment.

The Hannibal amendment was adopted with 26 ayes, 8 nays, 12 present and not voting, and 3 excused and not voting.

The Kilgarin-Morehead amendment, as amended, was adopted with 25 ayes, 8 nays, 13 present and not voting, and 3 excused and not voting.

Mr. Lamb offered the following amendment:

1. On page 8 of the committee amendments, line 21, strike "4.00" and insert "2.50", line 22, strike "6.00" and insert "5.00", line 23, strike "7.00" and insert "5.00", line 25, strike "10.00" and insert "7.00", and on line 26, strike "18.00" and insert "13.50".

2. On page 9 of the committee amendments, line 1, strike "21.00" and insert "15.00", and on line 2, strike "21.00" and insert "15.00".

Mr. Lamb moved for a Call of the House. The motion prevailed with 12 ayes, 2 nays, and 35 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Abboud	Beyer	Clark	Cullan	Eret
Fenger	Haberman	Hefner	Jacobson	Lamb
Nichol	Pappas	Peterson, R.	Remmers	Sieck
Von Minden				

Voting in the negative, 27:

Barrett	Beutler	Carsten	Chambers	Chronister
DeCamp	Fowler	Hannibal	Hoagland	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Landis
Lundy	Marsh	Morehead	Newell	Peterson, H.
Rupp	Vickers	Wagner	Warner	Wesely
Wiitala	Withem			

Present and not voting, 4:

Goll	Goodrich	Higgins	Pirsch

Excused and not voting, 2:

Johnson, L. Schmit

The Lamb 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. Chambers offered the following amendment:
(Green copy of bill)
Page 9: Strike new language in lines 1-7.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 5:

Chambers	Eret	Fowler	Labedz	Pappas

Voting in the negative, 29:

Barrett	Beyer	Chronister	Cullan	DeCamp
Fenger	Goodrich	Haberman	Hannibal	Hefner
Hoagland	Jacobson	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Lamb	Landis	Lundy	Morehead
Newell	Nichol	Peterson, H.	Pirsch	Remmers
Rupp	Wagner	Warner	Withem	

Present and not voting, 13:

Abboud	Beutler	Carsten	Clark	Goll
Higgins	Marsh	Peterson, R.	Sieck	Vickers
Von Minden	Wesely	Wiitala		

Excused and not voting, 2:

Johnson, L. Schmit

The amendment lost with 5 ayes, 29 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 628 in the Journal. No objections. So ordered.

(1)

AM1186

1. The total appropriation for operation of state government to all agencies, boards, commissions, and other public bodies shall be reduced by two million three hundred thousand dollars. The amount of the reduction shall be made pro rata from all appropriations made to agencies, boards, commissions, and other public bodies other than the University of Nebraska.

2. The total appropriation for state employees' salaries to all agencies, boards, commissions, and other public bodies shall be reduced by four million dollars. The amount of the reduction shall be made pro rata from all appropriations made to agencies, boards, commissions, and other public bodies other than the University of Nebraska.

3. The E & R attorney in cooperation with the Legislative Fiscal Office shall reduce appropriate numbers in LB 628 for all agencies, boards, commissions, and other public bodies other than the University of Nebraska to reflect amendments 1 and 2.

4. On page 9, lines 25 and 26 strike "17,068,660" and insert "16,252,660".

5. On page 10, line 1, strike "17,068,660" and insert "16,252,660"; and in lines 7, 8, and 10, strike "16,660,000" and insert "15,876,000".

6. On page 73, line 22, strike "5,337,529" and insert "5,117,529"; and in line 26 strike "9,028,465" and insert "8,808,465".

7. On page 74, line 21, strike "9,724,120" and insert "9,314,120"; and in line 25 strike "18,557,554" and insert "18,147,554".

8. On page 75, line 12, strike "9,774,120" and insert "9,364,120"; in line 16 strike "18,671,646" and insert "18,261,646"; in line 19 strike "3,070,679" and insert "2,940,679"; and in line 23 strike "4,451,777" and insert "4,321,777".

9. On page 76, line 10, strike "5,686,237" and insert "5,446,237"; and in line 14 strike "9,965,519" and insert "9,725,519".

10. On page 105, in lines 2, 3, and 5, strike "22,470,517" and insert "21,571,697".

(2)

AM1185

1. On page 9, lines 25 and 26 strike "17,068,660" and insert "16,252,660".

2. On page 10, line 1, strike "17,068,660" and insert "16,252,660"; and in lines 7, 8, and 10, strike "16,660,000" and insert "15,876,000".

(3)

AM1184

1. On page 105, in lines 2, 3, and 5, strike "22,470,517" and insert "21,571,697".

(4)

AM1182

1. On page 73, line 22, strike "5,337,529" and insert "5,117,529"; and in line 26 strike "9,028,465" and insert "8,808,465".

2. On page 74, line 21, strike "9,724,120" and insert "9,314,120"; and in line 25 strike "18,557,554" and insert "18,147,554".

3. On page 75, line 12, strike "9,774,120" and insert "9,364,120"; in line 16 strike "18,671,646" and insert "18,261,646"; in line 19 strike "3,070,679" and insert "2,940,679"; and in line 23 strike "4,451,777" and insert "4,321,777".

4. On page 76, line 10, strike "5,686,237" and insert "5,446,237"; and in line 14 strike "9,965,519" and insert "9,725,519".

(5)

AM1183

1. The total appropriation for operation of state government to all agencies, boards, commissions, and other public bodies shall be reduced by two million

three hundred thousand dollars. The amount of the reduction shall be made pro rata from all appropriations made to agencies, boards, commissions, and other public bodies other than the University of Nebraska.

2. The E & R attorney in cooperation with the Legislative Fiscal Office shall reduce appropriate numbers in LB 628 for all agencies, boards, commissions, and other public bodies other than the University of Nebraska to reflect this amendment.

(6)

AM1181

1. The total appropriation for state employees' salaries to all agencies, boards, commissions, and other public bodies shall be reduced by four million dollars. The amount of the reduction shall be made pro rata from all appropriations made to agencies, boards, commissions, and other public bodies other than the University of Nebraska.

2. The E & R attorney in cooperation with the Legislative Fiscal office shall reduce appropriate numbers in LB 628 for all agencies, boards, commissions, and other public bodies other than the University of Nebraska to reflect this amendment.

ATTORNEY GENERAL'S OPINION

Opinion No. 80
April 15, 1983

Dear Senator Jacobson:

This is in reply to your inquiry as to the constitutionality of LB 503, Eighty-Eighth Legislature, First Session.

This bill, among other things, authorizes the State of Nebraska to appropriate funds and make grants therefrom to private railroad companies for improvement of their roadbeds. A companion bill, LB 503A, appropriates money for this purpose.

Article XIII, section 3, of the Nebraska Constitution provides in part: "The credit of the state shall never be given or loaned in aid of any individual, association, or corporation." Chase v. County of Douglas, 195 Neb. 838, 241 N.W.2d 334 (1976).

The Supreme Court of Nebraska held a portion of a Nebraska statute unconstitutional which authorized governmental subdivisions to expend tax money to acquire real estate for the purpose of promoting industrial development. In speaking of the industrial development

amendment to the Nebraska Constitution, which is Article XIII, section 3, the court stated: "Article XIII, section 3, remains in the Constitution and under its terms any loan of credit made by the state, by a county, or by a municipality to a private individual, association, or corporation is unconstitutional. State ex rel. Beck v. City of York, supra."

Since the above case of Chase v. County of Douglas, supra, the Supreme Court of Nebraska held that the Nebraska Mortgage Finance Fund did not violate this article of the Constitution on the ground that none of the funds involved in that case were state funds and the state was specifically exempted in the bonds from any obligation.

LB 503, however, clearly authorizes the use of state tax funds.

From the foregoing, it is our opinion that LB 503, if passed, would be in violation of Article VIII, section 3, of the Nebraska Constitution.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK/cmb/f3
cc: Patrick J. O'Donnell
Clerk of the Legislature

SELECT FILE

LEGISLATIVE BILL 192. E & R amendment, AM5116, found in the Journal on page 1481 for the Sixty-Third Day was adopted.

Mr. Cullan offered the following amendment:
(Amendment on file in the Clerk's Office - AM1125.)

Mr. Newell offered the following amendment to the Cullan amendment:
Amend section 22 on line 18 after the word "deposited" strike the rest of the section and after the word "deposited" on line 18 insert "in the General Fund of the State of Nebraska".

Miss Kilgarin asked unanimous consent to be excused until she returns. No objections. So ordered.

The Newell amendment lost with 4 ayes, 12 nays, 30 present and not voting, and 3 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Cullan moved for a Call of the House. The motion prevailed with 7 ayes, 2 nays, and 40 not voting.

Mr. Cullan requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Beutler	Carsten	Chambers	Cullan	Fowler
Goodrich	Hoagland	Johnson, V.	Kahle	Marsh
Peterson, R.	Remmers	Vickers	Wagner	Wesely
Withem				

Voting in the negative, 20:

Abboud	Clark	DeCamp	Goll	Hannibal
Hefner	Jacobson	Johnson, R.	Labedz	Lamb
Lundy	Morehead	Newell	Nichol	Pappas
Peterson, H.	Pirsch	Sieck	Von Minden	Warner

Present and not voting, 9:

Barrett	Beyer	Chronister	Eret	Fenger
Haberman	Higgins	Rupp	Wiitala	

Excused and not voting, 4:

Johnson, L.	Kilgarin	Landis	Schmit

The Cullan amendment lost with 16 ayes, 20 nays, 9 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the Call raised.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 60, LR 61, LR 63, and LR 64.

SELECT FILE

LEGISLATIVE BILL 192. Mr. Wesely offered the following amendment:

AM1073

1. Insert the following new section:

"Sec. 2. That section 77-2608, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2608. The Tax Commissioner shall prepare and have suitable stamps for use on each kind of piece or package of cigarettes, except where cigarette tax meter impressions are affixed. Requisition for the preparation of such stamps shall be made through the office of the State Purchasing Agent as other state supplies are requisitioned, and the Tax Commissioner and ~~his bondsman~~ the person with whom he or she is bonded shall be liable for the value of all such stamps delivered to him or her. The Auditor of Public Accounts shall audit annually or as often as the auditor deems advisable the records of the Tax Commissioner with respect to the money received from the sale of stamps and as revenue from tax meter impressions for the purpose of determining the accuracy and correctness of the same. The Tax Commissioner shall sell the stamps only to licensed wholesale dealers, as defined in section 77-2601, and he or she shall keep an accurate record of all stamps coming into and leaving his or her hands. Such stamps shall be sold and accounted for at the face value thereof, except that the Tax Commissioner may, by regulation certified to the State Treasurer, authorize the sale thereof to wholesale dealers in this state or outside of this state at a discount of ~~five~~ four per cent of such face value of the tax as a commission for affixing and canceling such stamps; PROVIDED, that any wholesale dealer using a tax meter machine shall be entitled to the same discount as allowed a wholesale dealer for affixing and canceling the stamps. The money received by the Tax Commissioner from the sale of said stamps and as revenue from such tax meter impressions shall be deposited ~~by him~~ daily with the State Treasurer, who shall credit such money as provided in section 77-2602. Upon proof by the Tax Commissioner that he or she can affix such stamps or meter impression, warehouse, and distribute such cigarettes and collect such revenue at a cost less than the ~~five~~ four per cent discount allowed to wholesale

dealers, he or she may then proceed to affix the stamps himself or herself, after giving the wholesale dealers sixty days' notice and purchasing all equipment used by them for the purpose of affixing such stamps or meter impressions at a fair market value.".

2. On page 5, line 7, strike "section" and insert "sections 77-2608 and".

3. Renumber remaining sections accordingly.

Messrs. Fowler and R. Johnson asked unanimous consent to be excused. No objections. So ordered.

The Wesely amendment lost with 11 ayes, 17 nays, 14 present and not voting, and 7 excused and not voting.

Mr. V. Johnson offered the following amendment:

1. On page 2, lines 10 and 14, strike "eighteen", shown as stricken, and insert "twenty"; and in line 23 strike "Thirteen" and insert "Fifteen".

2. On page 4, line 8, strike the new matter; after line 11 insert "Sixth, beginning July 1, 1983, the equivalent of two cents of such tax shall be placed in the Building Renewal Allocation Fund; and"; in line 12, strike "Fifth" and insert "Seventh".

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.

Mrs. Higgins asked unanimous consent to be excused. No objections. So ordered.

The V. Johnson amendment lost with 8 ayes, 22 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 225, 225A, 236, 319, 366, 412, 605, and 608.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 225

The following changes, required to be reported for publication in the Journal, have been made:
ER0063

1. On page 1, line 3, "to provide exemptions;" has been inserted after the second semicolon.

2. In lieu of the Newell amendment, adopted 4/12, the following new section has been inserted:

"Sec. 9. Persons over the age of sixty-five shall be exempt from the requirements of this act.".

3. In the Beutler amendment, adopted 3/30, "out of state" has been stricken and "out-of-state" inserted.

4. On page 3, line 19, "of this act" has been inserted after "4".

Enrollment and Review Changes to LB 319

The following changes, required to be reported for publication in the Journal, have been made:
ER0062

1. On page 1, line 3, "provide an additional definition" has been stricken and "redefine a term" inserted.

2. E and R amendment 2 has been stricken.

Enrollment and Review Change to LB 412

The following changes, required to be reported for publication in the Journal, have been made:
ER0060

1. On page 1, line 2, ", 60-1306," has been inserted after "60-305.03"; and in lines 3 and 4 "a provision" has been stricken and "provisions" inserted.

2. In the Standing Committee amendments, line 8, "section" has been stricken and "subsection" inserted.

3. The remaining sections have been numbered accordingly.

(Signed) Tristi J. Wilson
E & R Attorney

MESSAGE FROM THE GOVERNOR

April 18, 1983

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol

Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 309, 454, 26, 133, 199, 199A, 506 and 155 were received in my office on April 12, 1983.

These bills were signed by me on April 18, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

UNANIMOUS CONSENT - Print in Journal

Messrs. Hefner and Vickers asked unanimous consent to print the following amendment to LB 524 in the Journal. No objections. So ordered.

AM1168

1. Insert the following new section:

"Sec. 2. That section 48-649, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-649. The commissioner shall, for each calendar year, determine the contribution rate applicable to each employer on the basis of his or her actual experience in the payment of contributions and with respect to benefits charged against his or her separate experience account, in accordance with the following requirements:

(1) An employer's rate shall be two and seven-tenths per cent of his or her annual payroll unless and until (a) benefits have been payable from and chargeable to his or her experience account throughout the preceding one calendar year, and (b) contributions have been payable to the fund and credited to his or her experience account with respect to the two preceding calendar years. Subject to fair and reasonable general rules of the commissioner issued with due regard for the solvency of the fund, the contribution rate required of each employer who meets the requirements of subdivisions (a) and (b) of this subdivision ~~this subsection~~ shall be based directly on his or her contributions to and benefit experience of his or her experience account and

shall be determined by the commissioner for each calendar year at its beginning. In ~~; Provided, that in~~ no event shall an employer's ~~such~~ rate be ~~increased beyond~~ greater than two and seven-tenths per cent of his or her annual payroll if his or her experience account exhibits a positive balance as of the beginning of such calendar year.

Beginning calendar year ~~, but commencing January 1,~~ 1976, for any employer who has been subject to the payment of contributions for the two preceding calendar years and whose experience account exhibits a negative balance as of the beginning of such calendar year, the rate shall be three and seven-tenths per cent of his or her annual payroll until such time as the experience account exhibits a positive balance, and thereafter the rate shall not be greater than two and seven-tenths per cent.

Beginning calendar year 1984, for any employer who has been subject to the payment of contributions for the two preceding calendar years and whose experience account exhibits a negative balance as of the beginning of the calendar year, the rate for such calendar year shall be determined in accordance with the applicable negative balance rate schedule in this subdivision.

As used in this subdivision, negative reserve ratio shall mean the ratio of the negative balance in the employer's experience account at the beginning of the calendar year to the average of the annual payroll by which contributions were measured for the previous four calendar years. For an employer with less than four years contribution experience, the average of the annual payroll shall be determined on the basis of the years for which contributions were payable.

Negative Balance Rate Schedule for Calendar Year 1984:

Negative Reserve Ratio	Contribution Rate
less than 1 per cent	3.0 per cent
at least 1 but less than 3 per cent	3.3 per cent
at least 3 but less than 5 per cent	3.6 per cent
at least 5 but less than 7 per cent	3.9 per cent
at least 7 but less than 9 per cent	4.2 per cent
9 per cent or more	4.5 per cent

Negative Balance Rate Schedule for Calendar Year 1985 and all Calendar Years Thereafter:

Negative Reserve Ratio	Contribution Rate
less than 1 per cent	3.0 per cent

at least 1 but less than 3 per cent . . . . . .3.3 per cent
at least 3 but less than 5 per cent . . . . . .3.6 per cent
at least 5 but less than 7 per cent . . . . . .3.9 per cent
at least 7 but less than 9 per cent . . . . . .4.2 per cent
at least 9 but less than 11 per cent . . . . . .4.5 per cent
at least 11 but less than 13 per cent . . . . . .4.8 per cent
at least 13 but less than 15 per cent . . . . . .5.1 per cent
15 per cent or more . . . . . .5.4 per cent;

(2) Any employer may at any time make voluntary contributions, additional to the required contributions, to the fund to be credited to his or her account;

(3) As used in sections 48-648 to 48-654, the term payroll shall mean the total amount of wages during a calendar year, except as otherwise provided in section 48-654, by which contributions were measured; and

(4)(a) The state or any of its instrumentalities shall not be required to pay contributions on wages paid for services rendered in employment for the state or its instrumentalities prior to January 1, 1978, but the state or any of its instrumentalities shall make payments in lieu of contributions in an amount equal to the full amount of regular benefits plus one half of the amount of extended benefits paid during each calendar quarter that is attributable to service in employment of the state or any of its instrumentalities. The commissioner after the end of each calendar quarter shall notify any state instrumentality or other public employer of the amount of regular benefits and one half the amount of extended benefits paid that are attributable to service in its employment and the instrumentality or public employer so notified shall reimburse the fund within thirty days after receipt of such notice; (b) after December 31, 1977, the state or any of its political subdivisions and any instrumentality of one or more of the foregoing or any other governmental entity for which services in employment as is provided by section 48-604, subdivision (4)(a), is performed, shall be required to pay contributions on wages paid for services rendered in its or their employment on the same basis as any other employer who is liable for the payment of contributions under the provisions of sections 48-601 to 48-669, unless the state or any political subdivision thereof and any instrumentality of one or more of the foregoing

or any other governmental entity for which such services are performed files with the commissioner its written election not later than January 31, 1978, or if such employer becomes subject to the provisions of this section after January 1, 1978, not later than thirty days after such subjectivity begins, to become liable to make payments in lieu of contributions in an amount equal to the full amount of regular benefits plus one half of the amount of extended benefits paid during each calendar quarter that is attributable to service in employment of such electing employer prior to December 31, 1978, and in an amount equal to the full amount of regular benefits plus the full amount of extended benefits paid during each calendar quarter that is attributable to service in employment of such electing employer after January 1, 1979. The commissioner, after the end of each calendar quarter, shall notify any such employer that has so elected of the amount of benefits for which it is liable to pay pursuant to its election that have been paid that are attributable to service in its employment and the employer so notified shall reimburse the fund within thirty days after receipt of such notice; (c) any employer which makes an election in accordance with subdivision (b) to become liable for payments in lieu of contributions shall continue to be liable for payments in lieu of contributions for all benefits paid based upon wages paid for service in employment of such employer while such election is effective and such election shall continue until such employer files with the commissioner, not later than December 1 of any calendar year, a written notice terminating its election as of December 31 of that year and thereafter such employer shall again be liable for the payment of contributions and for the reimbursement of such benefits as may be paid based upon wages paid for services in employment of such employer while such election was effective.".

2. On page 6, line 3, after "original" insert "section 48-649, Reissue Revised Statutes of Nebraska, 1943, and".

3. In the Standing Committee amendment, on page 1, line 2, strike "2" and insert "3"; and in line 22 strike "3" and insert "4".

Mr. DeCamp asked unanimous consent to print the following

amendment to LB 336 in the Journal. No objections. So ordered.

AM1180

1. Insert the following new sections:

"Sec. 33. The Legislature hereby finds and declares that with the proliferation of lottery activity in the State of Nebraska by subdivisions of government and charitable organizations, all in accordance with the Constitution of the State of Nebraska, it is a proper and necessary state responsibility to regulate, control, and supervise such activity and insure that constitutional intents and requirements are met.

Sec. 34. In order to properly regulate, control, supervise, and insure that state goals are accomplished with respect to lottery activity in the state, there is hereby imposed a tax of seven per cent on the gross proceeds of all lottery activity occurring in the state, except for proceeds from a lottery operated by the state pursuant to this act. Funds received from this tax shall be deposited in the State Lottery Activity Control Fund.

Sec. 35. The commission may adopt and promulgate rules and regulations necessary to accomplish the goals of sections 33 and 34 of this act, including, but not limited to:

(1) Procedures necessary to accurately determine the gross proceeds actually involved in any lottery activity so that the proper tax can be collected;

(2) Procedures and techniques to insure that no individuals or entities not allowed under the constitution or laws of this state engage in lottery activity within the state;

(3) Procedures and techniques to insure that any funds invested in lottery activity go to the proper places and for the proper purposes as specified by law; and

(4) Procedures and techniques necessary to supervise and insure that any and all lottery equipment, devices, machines, electronic equipment, mechanical devices, pickle cards, or any similar devices which are used for lottery activity comply with the constitution of the state and all relevant court interpretations in all respects so that a strict accounting of all funds invested in lottery activity is accurately maintained.

Sec. 44. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 19, line 25, after "shares" insert ", all funds received pursuant to section 34 of this act,".

3. On page 23, line 7, reinstate the stricken matter, strike "The", and insert "and the"; and reinstate the stricken matter in lines 11 through 17.

4. In the Standing Committee amendments (a) on page 1, line 19, strike "33" and insert "36"; and (b) on page 2, line 7, strike "34" and insert "37"; and in line 16 strike "39" and insert "42".

5. Renumber remaining sections accordingly.

Mr. Schmit asked unanimous consent to print the following amendment to LB 239 in the Journal. No objections. So ordered.

AM1173

1. Insert the following new section:

"Sec. 2. That section 21-17,131, Reissue Revised Statutes of Nebraska, 1943, as amended by section 6, Legislative Bill 252, Eighty-eighth Legislature, First Session, 1983, be amended to read as follows:

21-17,131. As used in sections 21-17,127 to 21-17,145, unless the context otherwise requires:

(1) Depository institution shall mean any credit union, cooperative credit association, bank chartered under section 8-122 which has acquired substantially all of the assets and liabilities of a cooperative credit association or industrial loan and investment company, trust company, savings and loan association, building and loan association, or industrial loan and investment company chartered and existing under the laws of Nebraska;

(2) Account shall mean any account of any member or depositor of a member depository institution into which are deposited shareholdings, savings, or deposits of that member;

(3) Corporation shall mean a corporation formed pursuant to sections 21-17,127 to 21-17,145;

(4) Department shall mean the Department of Banking and Finance;

(5) Covered claim shall mean any unpaid shareholdings, savings, or deposits of a member or

depositor of a member depository institution and which is not in excess of the applicable amounts to which sections 21-17,127 to 21-17,145 apply as established by the plan of operation of the corporation, if such depository institution becomes insolvent and goes into voluntary liquidation or is placed in involuntary liquidation by order of the department after July 10, 1976;

(6) Member depository institution shall mean any depository institution authorized and chartered under the laws of this state so long as it maintains insurance in full force and effect pursuant to sections 21-17,127 to 21-17,145; and

(7) Shares, savings, and deposit capital shall mean the aggregate total of shares, savings, and deposits held by the member depository institution.".

2. On page 3, line 22, strike "is" and insert "and section 21-17,131, Reissue Revised Statutes of Nebraska, 1943, as amended by section 6, Legislative Bill 252, Eighty-eighth Legislature, First Session, 1983, are".

3. Renumber remaining sections accordingly.

VISITORS

Visitors to the Chamber were 21 eighth grade students and teachers from St. Marys, Bellevue.

ADJOURNMENT

At 4:43 p.m., on a motion by Speaker Nichol, the Legislature adjourned until 9:00 a.m., Tuesday, April 19, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-SEVENTH DAY - APRIL 19, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

SIXTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 19, 1983

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Rev. Donald Goertzen, Pastor of Indian Hills Community Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Cullan, L. Johnson, and V. Johnson who were excused; and Messrs. Fowler, Haberman, Newell, Von Minden, Wesely, Mesdames Higgins, Labedz, Morehead, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Sixth Day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 68.

Introduced by Abboud, 12th District; Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Carsten, 2nd District; Chambers, 11th District; Chronister, 18th District; Clark, 47th District; Cullan, 49th District; DeCamp, 40th District; Eret, 32nd District; Fenger, 45th District; Fowler, 27th District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hannibal, 4th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; Jacobson, 33rd District; R. Johnson, 34th District; V. Johnson, 8th District; Kahle, 37th District; Kilgarin, 7th District; Labedz, 5th District; Lamb, 43rd District; Lundy, 36th District; Marsh, 29th District; Morehead, 30th District; Newell, 13th District; Nichol, 48th District; Pappas, 42nd

District; H. Peterson, 35th District; R. Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rupp, 22nd District; Schmit, 23rd District; Sieck, 24th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District; Wiitala, 31st District; Withem, 14th District.

WHEREAS, Mr. Frank E. Landis has been a valuable citizen of the State of Nebraska actively participating in and contributing greatly to the areas of law, insurance, education, and politics; and

WHEREAS, Mr. Landis was a three-time president of the Nebraska State Board of Education; and

WHEREAS, Mr. Landis was the first recipient of the Dave Hutchison Educational Award for Lifetime Contribution to Education presented by the University of Nebraska Department of Educational Administration; and

WHEREAS, Mr. Landis was a loving husband and father who passed from this life on April 17, 1983.

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

1. That the Legislature expresses its sympathy to the family of Frank Landis.

2. That a copy of this resolution be presented to his son, Senator David Landis, on behalf of his family as a tangible symbol of the best wishes for the Landis family by the Legislature.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 585 in the Journal. No objections. So ordered.

AM1191

1. In the DeCamp amendments, AM1162, on page 2, line 8, strike "persons" and insert "certified teachers"; and in lines 9 and 21 strike "certified" and insert "endorsed".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 585 in the Journal. No objections. So ordered.

AM1190

1. In the DeCamp amendments, AM1174, on page 2, line 8, strike "persons" and insert "certified teachers"; and in lines 9, 14, and 24, strike

4 "certified" and insert "endorsed".

RESOLUTION

LEGISLATIVE RESOLUTION 66. Read. Considered.

LR 66 was adopted with 27 ayes, 0 nays, and 22 not voting.

GENERAL FILE

LEGISLATIVE BILL 118. Title read. Considered.

Standing Committee amendments, AM0706, found in the Journal on page 971 for the Forty-Fifth Day were considered.

Mr. Schmit moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Standing Committee amendments were adopted with 25 ayes, 13 nays, 3 present and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

Mr. Warner asked unanimous consent to withdraw his pending amendment found in the Journal on page 795. No objections. So ordered.

Mr. Warner offered the following amendment:
AM1081

1. In the Standing Committee amendments on page 971 of the Journal, on page 1, strike lines 20 through 23 and insert the following:

"(3) Whenever new license plates, including duplicate or replacement license plates, are furnished to any person, a fee of one dollar per plate shall be charged in addition to all other required fees. Such additional fees shall be transmitted to the State Treasurer and by him or her deposited in the Highway Trust Fund.

(4) There is hereby created a License Plate Cash Fund in the state treasury which shall consist of money transferred to it pursuant to section 39-2215. All costs associated with the manufacture of license plates shall be paid from funds appropriated from the License Plate Cash Fund, which shall be used exclusively for such purposes and which shall be administered by the

Department of Motor Vehicles. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.".

2. Insert the following new sections:

"Section 1. That section 39-2215, Revised Statutes Supplement, 1982, 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. Of the money in the fund not required for such use (1) an amount equal to two dollars and fifty cents times the number of motorcycles registered during the previous month shall be placed in the Motorcycle Safety Education Fund, (2) an amount, to be determined annually by the Legislature through the appropriations process, shall be transferred to the License Plate Cash Fund as needed to meet the current obligations associated with the manufacture of license plates, as certified by the Director of Motor Vehicles, ~~not to exceed the equivalent of 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 only when calls or demands are made on such fund pursuant to lease agreements entered into under this act,~~ and (3) 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 66-828 may, in the discretion of the Governor, be used for the purchase for retirement of bonds authorized in this~~

~~section or by section 66-829 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~~ 72-1269.

Sec. 3. That section 60-311.14, Revised Statutes Supplement, 1982, be amended to read as follows:

60-311.14. The Department of Motor Vehicles shall, without the payment of any fee, except the fees required by section 60-311, issue license plates for one motor vehicle not used for hire, which plates shall carry the internationally accepted wheelchair symbol, which symbol is a representation 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 disabled person. Such plates shall be used by such person in lieu of the usual license plates. For purposes of this section, disabled person shall mean a person who has permanently lost the use of two or more extremities.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

3. On page 3, line 11, strike "section" and insert "sections 39-2215," and after the comma insert "and 60-311.14,".

4. Renumber remaining sections accordingly.

Mr. Warner offered the following amendment to the Warner pending amendment:

(Amendments to Warner Amendment, REQ AM1081)

1. On page 1, line 15 and page 2, line 24, after "plates" insert "and stickers or tabs provided for in sections 60-311, 60-311.02, and

60-1804".

The Warner amendment to the Warner amendment was adopted with 15 ayes, 0 nays, 26 present and not voting, and 8 excused and not voting.

The Warner amendment, as amended, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mrs. Marsh and Mr. Carsten renewed their pending amendment, AM0817, found in the Journal on page 1036.

MR. BEUTLER PRESIDING

Mr. H. Peterson requested a ruling of the Chair on whether the amendment is germane to the bill.

The Chair ruled the amendment not germane to the bill.

Mr. Carsten challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

The motion to overrule the Chair prevailed with 25 ayes, 11 nays, 8 present and not voting, and 5 excused and not voting.

The Chair was overruled.

The Marsh-Carsten pending amendment found in the Journal on page 1036 was considered.

Speaker Nichol offered the following amendment to the Marsh-Carsten amendment:

Have an insignia of the State Capitol on it instead of "Tree Planter" state.

Mrs. Labedz and Mr. Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

The Nichol amendment lost with 10 ayes, 12 nays, 20 present and not voting, and 7 excused and not voting.

Mr. Vickers offered the following amendment to the Marsh-Carsten amendment:

Strike the words "The Tree Planter State" and insert The Home of George Norris

The Vickers amendment lost with 5 ayes, 14 nays, 23 present and not voting, and 7 excused and not voting.

Mr. Beyer offered the following amendment to the Marsh-Carsten amendment:

Delete all references except the County and numbers

Mrs. Marsh moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mrs. Marsh requested a roll call vote on the Beyer amendment.

Voting in the affirmative, 22:

Barrett	Beutler	Beyer	Chambers	Fenger
Goll	Goodrich	Haberman	Hannibal	Johnson, R.
Kahle	Labedz	Lamb	Landis	Lundy
Morehead	Nichol	Pappas	Peterson, H.	Remmers
Vickers	Withem			

Voting in the negative, 20:

Abboud	Carsten	Chronister	Clark	DeCamp
Hefner	Higgins	Hoagland	Jacobson	Kilgarin
Marsh	Newell	Peterson, R.	Pirsch	Rupp
Sieck	Wagner	Warner	Wesely	Wiitala

Present and not voting, 1:

Eret

Excused and not voting, 6:

Cullan	Fowler	Johnson, L.	Johnson, V.	Schmit
Von Minden				

The Beyer amendment was adopted with 22 ayes, 20 nays, 1 present and not voting, and 6 excused and not voting.

Mrs. Marsh and Mr. Carsten asked unanimous consent to withdraw their names from the pending amendment found in the Journal on page 1036.

No objections. So ordered.

Messrs. Chambers and Beyer asked unanimous consent to have their names added as co-introducers to the amendment found in the Journal on page 1036. No objections. So ordered.

The Chair declared the Call raised.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers-Beyer pending amendment was adopted with 26 ayes, 9 nays, 7 present and not voting, and 7 excused and not voting.

Mr. Remmers asked unanimous consent to withdraw his pending amendment, AM0856, found in the Journal on page 1065. No objections. So ordered.

Mr. Vickers asked unanimous consent to withdraw his pending amendment, AM0870, found in the Journal on page 1089. No objections. So ordered.

Messrs. Vickers, Hoagland, and Wesely offered the following amendment:

1. In the Standing Committee amendments, on page 1, strike beginning with "after" in line 8 through "and" in line 9.

2. In the Warner amendment, AM1081, on page 1, line 6, strike "per plate".

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. R. Johnson 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. Vickers moved for a Call of the House. The motion lost with 13 ayes, 17 nays, and 19 not voting.

Mr. Vickers requested a record vote on his amendment.

Voting in the affirmative, 14:

Beutler	Chambers	Clark	Goll	Hoagland
Jacobson	Lamb	Landis	Newell	Nichol
Pirsch	Remmers	Vickers	Wesely	

Voting in the negative, 23:

Barrett	Beyer	Carsten	DeCamp	Eret
Haberman	Hannibal	Higgins	Johnson, R.	Kahle
Kilgarin	Labedz	Lundy	Marsh	Morehead
Pappas	Peterson, H.	Rupp	Schmit	Sieck
Warner	Wiitala	Withem		

Present and not voting, 5:

Chronister	Fenger	Goodrich	Hefner	Wagner

Excused and not voting, 7:

Abboud	Cullan	Fowler	Johnson, L.	Johnson, V.
Peterson, R.	Von Minden			

The Vickers-Hoagland-Wesely amendment lost with 14 ayes, 23 nays, 5 present and not voting, and 7 excused and not voting.

Mr. Sieck renewed his pending amendment (1), AM0878, found in the Journal on page 1152.

The Sieck amendment (1) was adopted with 34 ayes, 1 nay, 8 present and not voting, and 6 excused and not voting.

Mr. Sieck renewed his pending amendment (2), AM0879, found in the Journal on page 1153.

Mr. Wesely requested a ruling of the Chair on whether the amendment is germane to the bill.

The Chair ruled the amendment not germane to the bill.

Mr. Chambers offered the following amendment:

Page 2, line 11, insert the word "Nebraska" suitably lettered so as to be attractive.

The amendment was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Mr. DeCamp offered the following amendment:

AM1202

(Amendments to Standing Committee Amendments)

1. On page 1, in lines 3 and 4 strike "of this state" and insert "as defined in section 60-301";

in line 5 strike "for thirty or more days"; and in line 6 strike "a penalty of" and insert "the penalty provided in section 39-6,188 and if such violation continues for thirty or more days shall be fined an additional".

SPEAKER NICHOL PRESIDING

The DeCamp amendment was adopted with 28 ayes, 3 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.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 628 in the Journal. No objections. So ordered.

(1)

AM1200

1. The total General Fund appropriation for operation of state government to all agencies, boards, commissions, and other public bodies shall be reduced by two million three hundred thousand dollars. The amount of the reduction shall be made pro rata from all General Fund appropriations made for each program to agencies, boards, commissions, and other public bodies other than the University of Nebraska and the state colleges.

2. The total General Fund appropriation for state employees' salaries to all agencies, boards, commissions, and other public bodies shall be reduced by four million dollars. The amount of the reduction shall be made pro rata from all General Fund appropriations made for each program to agencies, boards, commissions, and other public bodies other than the University of Nebraska and the state colleges.

3. The E & R attorney in cooperation with the Legislative Fiscal Office shall reduce appropriate numbers in LB 628 for all agencies, boards, commissions, and other public bodies other than the University of Nebraska to reflect amendments 1 and 2.

4. On page 9, lines 25 and 26 strike "17,068,660" and insert "16,252,660".

5. On page 10, line 1, strike "17,068,660" and insert "16,252,660"; and in lines 7, 8, and 10, strike "16,660,000" and insert "15,876,000".

6. On page 73, line 22, strike "5,337,529" and insert "5,117,529"; and in line 26 strike "9,028,465" and insert "8,808,465".

7. On page 74, line 21, strike "9,724,120" and insert "9,314,120"; and in line 25 strike "18,557,554" and insert "18,147,554".

8. On page 75, line 12, strike "9,774,120" and insert "9,364,120"; in line 16 strike "18,671,646" and insert "18,261,646"; in line 19 strike "3,070,679" and insert "2,940,679"; and in line 23 strike "4,451,777" and insert "4,321,777".

9. On page 76, line 10, strike "5,686,237" and insert "5,446,237"; and in line 14 strike "9,965,519" and insert "9,725,519".

10. On page 105, in lines 2, 3, and 5, strike "22,470,517" and insert "21,571,697".

(2)

AM1199

1. The total General Fund appropriation for operation of state government to all agencies, boards, commissions, and other public bodies shall be reduced by two million three hundred thousand dollars. The amount of the reduction shall be made pro rata from all General Fund appropriations made for each program to agencies, boards, commissions, and other public bodies other than the University of Nebraska.

2. The E & R attorney in cooperation with the Legislative Fiscal Office shall reduce appropriate numbers in LB 628 for all agencies, boards, commissions, and other public bodies other than the University of Nebraska to reflect this amendment.

(3)

AM1198

1. The total General Fund appropriation for state employees' salaries to all agencies, boards, commissions, and other public bodies shall be reduced by four million dollars. The amount of the reduction shall be made pro rata from all General Fund appropriations made for each program to agencies, boards, commissions, and other public bodies other than the University of Nebraska.

2. The E & R attorney in cooperation with the Legislative Fiscal office shall reduce appropriate numbers in LB 628 for all agencies, boards, commissions,

and other public bodies other than the University of Nebraska to reflect this amendment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 263, 264, 266, 268, 396, 468, 498, and 630.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Changes to LB 498

The following changes, required to be reported for publication in the Journal, have been made:
ER0070

1. In the Standing Committee amendments, (a) page 3, line 10, "or facility or institution" has been inserted after "institution"; and in line 15 "protection" has been stricken and "prevention" inserted; (b) on page 7, lines 7 and 14 "subdivision (1)(d) of" has been inserted after the first "to"; (c) on page 11, in lines 8 and 12, "the" has been inserted after "for"; in line 15, "fraction" has been correctly spelled; and in line 18, "additional" has been correctly spelled; and (d) on page 12, line 11, the striking has been removed from and underscoring inserted for the first comma.

2. The second E & R amendment has been stricken.

Enrollment and Review Change to LB 630

The following changes, required to be reported for publication in the Journal, have been made:
ER0073

1. On page 25, line 22, the fifth comma has been stricken.

2. In the Appropriations Committee amendment in line 5 "the" has been added after "from"; and underscoring has been added to the new section 46.

(Signed) Tristi J. Wilson
E & R Attorney

UNANIMOUS CONSENT - Bracket LB 630

Mr. Warner asked unanimous consent to bracket LB 630 on final

reading. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Public Health and Welfare

Confirmation Hearing, Wednesday, April 27, 1983 1:00 p.m.
Foster Care Review Board
Milton Evans
Elsie Barrett
Mrs. Dwight Burney
Nancy O'Brien
Dr. John P. Murray
Mary Jeanne Adams
JoAnn LeBaron
State Board of Health
Bob Rohling

(Signed) George Fenger, Chairperson

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 604. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Remmers asked unanimous consent to print the following amendment to LB 585 in the Journal. No objections. So ordered.

AM1194

1. On page 4, line 11, strike "General" and insert "School Weatherization", after "Fund" insert ", and on and after July 1, 1986, from the School Foundation and Equalization Fund,", and after the period insert "No more than one hundred thousand dollars shall be appropriated per year for such purpose."; and strike beginning with "two" in line 19 through "period" in line 20 and insert "fifty dollars per credit hour for no more than ten credit hours in any one semester or summer session".

2. On page 7, line 13, after the second "student" insert ", or for a period of one year for each thousand dollars or fraction thereof borrowed, whichever is greater".

VISITORS

Visitors to the Chamber were Mr. and Mrs. Kenneth Kjeldgaard from Tekamah; 7 students and teachers from Norfolk Senior High School, Norfolk; 33 fourth grade students and teacher from Watson Elementary School, Hastings; 38 sixth grade students and teachers from Syracuse Public Schools; 14 fifth and sixth grade students and teacher from St. Michael's School, Fairbury; and 72 eighth grade students and teachers from St. Bernadettes School, Omaha.

RECESS

At 11:52 a.m., on a motion by Mr. Jacobson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:35 p.m, Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Cullan, L. Johnson, V. Johnson, Sieck, and Mrs. Pirsch who were excused; and Mrs. Labedz, Messrs. Haberman, Schmit, Von Minden, and Wiitala who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 336. Title read. Considered.

Standing Committee amendments, AM0977, found in the Journal on page 1273 for the Fifty-Fifth Day were considered.

Mr. Vickers renewed his pending amendment, AM1157, found in the Journal on page 1536.

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. Vickers requested a record vote on his amendment.

Voting in the affirmative, 15:

Beutler	Fowler	Goll	Hoagland	Johnson, R.
Landis	Marsh	Morehead	Remmers	Vickers

Wagner	Warner	Wesely	Wiitala	Withem

Voting in the negative, 21:

Abboud	Barrett	Carsten	Chambers	Clark
DeCamp	Fenger	Haberman	Hannibal	Hefner
Jacobson	Kahle	Kilgarin	Labedz	Lamb
Lundy	Newell	Nichol	Pappas	Peterson, H.
Rupp				

Present and not voting, 6:

Beyer	Chronister	Eret	Goodrich	Higgins
Peterson, R.				

Excused and not voting, 7:

Cullan	Johnson, L.	Johnson, V.	Pirsch	Schmit
Sieck	Von Minden			

The Vickers amendment lost with 15 ayes, 21 nays, 6 present and not voting, and 7 excused and not voting.

Mr. Hefner moved for a Call of the House. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

The Standing Committee amendments were adopted with 25 ayes, 15 nays, 2 present and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM0948, found in the Journal on page 1232. No objections. So ordered.

Mr. Hefner renewed his pending amendment (1), AM1056, found in the Journal on page 1461.

The Hefner amendment (1) was adopted with 25 ayes, 6 nays, 11 present and not voting, and 7 excused and not voting.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 69.

Introduced by Fenger, 45th District; Chronister, 18th District; Landis, 46th District; Lundy, 36th District.

WHEREAS, the office of Municipal Clerk is one which requires dedication, knowledge, skill, and a commitment to service with the highest standards of precision and accuracy; and

WHEREAS, the office of Municipal Clerk is necessary for preserving past, current, and future documents and records for the smooth operation of the government and the welfare of the people; and

WHEREAS, the duties of Municipal Clerks are constantly expanding as we enter the computer-age in a quest for more efficient utilization of data; and

WHEREAS, the Municipal Clerks have established a professional association designated as the International Institute of Municipal Clerks to provide further education for Municipal Clerks through continuing education programs, publications and other resources; and

WHEREAS, the International Institute of Municipal Clerks has designated May 8-14 as Municipal Clerk's Week to give long overdue recognition to these dedicated professionals.

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

1. That the week of May 8-14 be proclaimed as Municipal Clerk's Week throughout the State of Nebraska.

2. That a copy of this Resolution be presented to May Dee Stoltzman, State Chairman for Municipal Clerk's Week, and City Clerk of West Point, Nebraska.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 539 and 539A.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 539

The following changes, required to be reported for publication in the Journal, have been made:

ER0074

1. On page 1522 of the Journal, (a) in the first Carsten amendment, in line 2 the underscored semicolon has been stricken; and

(b) in the second Carsten amendment, line 1, "Section 2-4322" has been stricken and "page 7," has been inserted; in line 2 "Section" has been stricken and "section" inserted; and the new material has been underscored.

(Signed) Tristi J. Wilson
E & R Attorney

MOTION - Reconsider LR 57

Mr. R. Johnson moved to reconsider LR 57.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 336. Considered.

Mr. Hefner renewed his pending amendment (2), AM1057, found in the Journal on page 1461.

The Hefner amendment (2) was adopted with 25 ayes, 5 nays, 12 present and not voting, and 7 excused and not voting.

Messrs. Beutler, Wesely, and Hoagland offered the following amendment:
AM1129

1. Strike the original sections and amendments thereto and insert the following new sections:

"Section 1. That section 28-1101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1101. As used in this article, unless the context otherwise requires:

(1) A person advances gambling activity if, acting other than as a player, he or she engages in conduct that materially aids any form of gambling activity. Conduct of this nature includes but shall not be limited to conduct directed toward (a) the creation or establishment of the particular game, contest, scheme, device, or activity involved or (b) the acquisition or maintenance of premises, paraphernalia, equipment, or apparatus therefor;

(2) Bookmaking shall mean advancing gambling activity by unlawfully accepting bets from members of

the public as a business, upon the outcome of future contingent events;

(3) A person profits from gambling activity if, other than as a player, he or she accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in the proceeds of gambling activity;

(4) A person engages in gambling if he or she bets something of value upon the outcome of a future event, which outcome is determined by an element of chance, or upon the outcome of a game, contest, or election, but a person does not engage in gambling by:

(a) Entering into a lawful business transaction;

(b) Playing an amusement device or a coin-operated mechanical game which confers as a prize an immediate, unrecorded right of replay not exchangeable for something of value;

(c) Conducting or participating in a prize contest; or

(d) Conducting or participating in a contest, lottery, raffle, or gift enterprise conducted in accordance with the provisions of sections 28-1113 to ~~28-1116~~ 28-1115;

(5) Gambling device shall mean any device, machine, paraphernalia, writing, paper, instrument, article, or equipment that is used or usable for engaging in gambling, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine. Lottery tickets and other items used in the playing phases of schemes defined in sections 28-1113 to ~~28-1116~~ 28-1115, are not gambling devices within this definition;

(6) Lottery shall mean a gambling scheme in which (a) the players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other medium, one or more of which chances are to be designated the winning ones, (b) the winning chances are to be determined by a drawing or by some other method based on an element of chance, and (c) the holders of the winning chances are to receive something of value;

(7) Something of value shall mean any money or property, any token, object, or article exchangeable for

money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property or of any interest therein, or involving extension of a service or entertainment; and

(8) Prize contest shall mean any competition in which one or more competitors are awarded something of value as a consequence of winning or achieving a certain result in the competition, and (a) the value of such awards made to competitors participating in the contest or upon the amount of consideration, if any, paid for the opportunity to participate in the contest or upon chance and (b) the value or identity of such awards to be made to competitors is published before the competition begins.

Sec. 2. That original section 28-1101, Reissue Revised Statutes of Nebraska, 1943, and also section 28-1116, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

MR. KAHLE PRESIDING

Mr. Beutler moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Abboud	Barrett	Beutler	Carsten	Chambers
Chronister	Eret	Fenger	Fowler	Goll
Hoagland	Lamb	Landis	Marsh	Peterson, H.
Peterson, R.	Remmers	Vickers	Wesely	

Voting in the negative, 22:

Clark	DeCamp	Goodrich	Haberman	Hannibal
Hefner	Higgins	Jacobson	Johnson, R.	Kahle
Kilgarin	Labedz	Lundy	Morehead	Newell
Nichol	Pappas	Rupp	Wagner	Warner
Wiitala	Withem			

Present and not voting, 1:

Beyer

Excused and not voting, 7:

Cullan	Johnson, L.	Johnson, V.	Pirsch	Schmit
Sieck	Von Minden			

The Beutler-Wesely-Hoagland amendment lost with 19 ayes, 22 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM1141, found in the Journal on page 1515. No objections. So ordered.

Mr. Pappas asked unanimous consent to withdraw his pending amendment, AM1153, found in the Journal on page 1539. No objections. So ordered.

Mr. DeCamp renewed his pending amendment, AM1180, found in the Journal on page 1585.

Miss Kilgarin offered the following amendment to the DeCamp amendment:

On page 2 of the DeCamp amendment, strike subsection (4) and insert the following:

"(4) Procedures and techniques necessary to supervise and insure that any and all lottery equipment and/or materials which are used for lottery activity comply with the constitution of the state and all relevant court interpretations in all respects so that a strict accounting of all funds invested in lottery activity is accurately maintained."

The Kilgarin amendment was adopted with 16 ayes, 0 nays, 26 present and not voting, and 7 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.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Beutler	Chronister	DeCamp	Fowler	Goodrich
Haberman	Hefner	Higgins	Hoagland	Kahle
Kilgarin	Labedz	Lundy	Marsh	Newell
Nichol	Pappas	Rupp	Vickers	Wagner
Wesely	Wiitala			

Voting in the negative, 17:

Abboud	Barrett	Carsten	Chambers	Clark
Eret	Fenger	Goll	Jacobson	Johnson, R.
Lamb	Landis	Morehead	Peterson, H.	Peterson, R.
Remmers	Warner			

Present and not voting, 3:

Beyer	Hannibal	Withem

Excused and not voting, 7:

Cullan	Johnson, L.	Johnson, V.	Pirsch	Schmit
Sieck	Von Minden			

The DeCamp amendment lost with 22 ayes, 17 nays, 3 present and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

SPEAKER NICHOL PRESIDING

Mr. Abboud offered the following amendment:
AM1133

1. Insert the following new sections:

"Sec. 35. That section 28-1102, Reissue Revised Statutes of Nebraska, 1943, 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 one or more bets totaling one thousand dollars or more; or

(b) Receiving, in connection with any unlawful gambling scheme or enterprise, more than one thousand dollars of money played in the scheme or enterprise in any one day.

(2) Promoting gambling in the first degree is, for the first offense, a Class ~~I misdemeanor~~ IV felony, for the second offense and all subsequent offenses, a Class ~~IV~~ III 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 August 24, 1979.

Sec. 36. That section 28-1103, Reissue Revised Statutes of Nebraska, 1943, 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 any unlawful gambling activity 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 something of value in an amount of three hundred dollars or more with one or more persons in one day.

(2) Promoting gambling in the second degree is a Class ~~II~~ I misdemeanor.

Sec. 37. That section 28-1104, Reissue Revised Statutes of Nebraska, 1943, 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 unlawful 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~~ III misdemeanor.

Sec. 38. That section 28-1105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1105. (1) A person commits the offense of possession of gambling records if, other than as a player, he or she knowingly possesses any writing, paper, instrument, or article 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 ~~II~~ I misdemeanor.

Sec. 39. That section 28-1107, Reissue Revised Statutes of Nebraska, 1943, 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 ~~II~~ I misdemeanor.".

2. In the Standing Committee Amendments on page 1273 of the Journal, page 2, line 16, strike "39" and insert "44".

3. On page 28, line 6, after "sections" insert "28-1102 to 28-1105, 28-1107,".

4. Renumber remaining sections accordingly.

Mr. DeCamp requested a record vote on the Abboud amendment.

Voting in the affirmative, 12:

Abboud	Barrett	Carsten	Eret	Fenger
Lamb	Landis	Lundy	Marsh	Peterson, H.
Peterson, R.	Remmers			

Voting in the negative, 24:

Beutler	Chambers	Clark	DeCamp	Fowler
Goodrich	Haberman	Hannibal	Hefner	Higgins
Jacobson	Johnson, R.	Kahle	Kilgarin	Labedz
Morehead	Newell	Nichol	Pappas	Rupp
Wagner	Wesely	Wiitala	Withem	

Present and not voting, 6:

Beyer	Chronister	Goll	Hoagland	Vickers
Warner				

Excused and not voting, 7:

Cullan	Johnson, L.	Johnson, V.	Pirsch	Schmit
Sieck	Von Minden			

The Abboud amendment lost with 12 ayes, 24 nays, 6 present and not voting, and 7 excused and not voting.

Messrs. H. Peterson and Hoagland moved to indefinitely postpone LB 336.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 618 in the Journal. No objections. So ordered.

AM1207

1. Insert the following new sections:

"Sec. 2. Under the authority provided in section 68-1021, the Director of Social Services may:

(1) Enter into exclusive or nonexclusive contracts on a bid or negotiated basis with manufacturers, distributors, dispensers, or suppliers of

drugs, appliances, durable medical equipment, medical supplies, and other product-type health care services and laboratories for the purpose of obtaining the most favorable prices to the state and ensuring adequate quality of the product or service. The department shall submit a report to the Legislature demonstrating the cost-effectiveness of all such contracts;

(2) Adopt a schedule of copayments or deductibles for nonemergency services provided in any hospital or emergency room, prescription drugs, eyeglasses, hearing aids, dental services, chiropractic services, medical supplies and equipment, dentures, and podiatrist services. Such copayments or deductibles shall not apply to any person eighteen years of age or under, any woman receiving prenatal care, a resident of a skilled nursing or intermediate care facility, family planning services, and emergency services. The copayment or deductible amounts set by the department may be collected and retained or waived by the provider;

(3) Contract with individual physicians, groups of physicians, or other providers to provide services to medical assistance recipients. Such contracts may include provisions which promote case management, provide for alternate methods of payment, including, but not limited to, a negotiated reimbursement rate, fee-for-service, retainer, or other basis, and encourage group practices with hospitals having low unit costs;

(4) Negotiate rates, terms, and conditions of contracts with hospitals for inpatient services for medical assistance recipients. Such negotiated contracts may be on a nonbid or bid basis;

(5) Negotiate rates, terms, and conditions of contracts with intermediate care facilities, skilled care facilities, and intermediate care facilities for the mentally retarded for long-term care services for medical assistance recipients. Such negotiated contracts may be on a nonbid or bid basis; and

(6) Establish a program of family assistance whereby children over the age of twenty-one years may make contributions, as determined by departmental regulation, toward the cost of programs provided by the department.

The director's authority shall not be limited to the powers enumerated in this section.

Sec. 4. That section 68-127, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. Renumber remaining sections accordingly.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 142 in the Journal. No objections. So ordered.

AM1203

(Amendments to the Final Reading Copy)

1. On page 2, line 9, strike "skeletal system" and insert "axial skeleton excluding the skull".

Mr. Beutler asked unanimous consent to print the following amendment to LB 447 in the Journal. No objections. So ordered.

AM1166

(Amendments to AM0875)

1. On page 27, line 26, after "service" insert "addressed".

2. On page 28, line 11, after "the" insert "principal office of the"; and in line 24 strike "or" and insert "except a".

Mr. Chambers asked unanimous consent to print the following amendments to LB 336 in the Journal. No objections. So ordered.

(1)

Page 12 - Strike section 17.

(2)

Pages 12, 13 Strike section 18.

(3)

Page 16, in lines 21 through 24, strike all language beginning with "Any" in line 21 through "misdemeanor" in line 24.

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will meet immediately upon adjournment on April 20, 1983 in Room 1003.

VISITORS

Visitors to the Chamber were 17 fourth grade students and teacher from Park Elementary School, Lincoln; Mary Hoagland and Clara Reed from Hastings; Mrs. Melvin and Pearl Sahs; 60 third grade students and

teachers from Ruth Pyrtle School, Lincoln; former Senator and Mrs. Fred Carstens; Frances Miller; Donna and Ellen Durette; and 7 students and teacher from Dist. No. 45, Sunnyside School, Amherst.

ADJOURNMENT

At 4:25 p.m., on a motion by Mr. Jacobson, the Legislature adjourned until 8:30 a.m., Wednesday, April 20, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-EIGHTH DAY - APRIL 20, 1983

LEGISLATIVE JOURNAL

SIXTY-EIGHTH DAY - APRIL 20, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

SIXTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 20, 1983

Pursuant to adjournment, the Legislature met at 8:34 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by The Rev. LaVern K. Grosc, Pastor of First Evangelical Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except L. Johnson who was excused; and Messrs. Beyer, Chambers, and Haberman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Seventh Day was approved.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 66.

RESOLUTION

LEGISLATIVE RESOLUTION 68. Read. Considered.

LR 68 was adopted with 44 ayes, 0 nays, and 5 not voting.

UNANIMOUS CONSENT - Withdraw Amendment to LB 169

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM0968, printed separate from the Journal and referred to on page 1240. No objections. So ordered.

MOTION - Return LB 169 to Select File

Mr. H. Peterson moved to return LB 169 to Select File for the following specific amendment:

1. On page 15, line 1, strike "three" and insert "6".

2. On page 17, line 9, after "Commissioner" insert ", and Governor".

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 H. Peterson motion to return lost with 17 ayes, 23 nays, 6 present and not voting, and 3 excused and not voting.

Mr. Lamb moved to return LB 169 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Lamb asked unanimous consent to withdraw his motion to return. No objections. So ordered.

Mr. Haberman moved to return LB 169 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Haberman asked unanimous consent to withdraw his motion to return. No objections. So ordered.

Mr. Warner moved to return LB 169 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Warner asked unanimous consent to withdraw his motion to return. No objections. So ordered.

Mr. DeCamp moved to return LB 169 to Select File for the following specific amendment:

Strike the enacting clause.

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

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 169.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2703 and 81-125, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715.01, Revised Statutes Supplement, 1982; to provide for the setting of income and sales tax rates by the Legislature; to change provisions relating to the limitations of setting tax rates and increments of the rates; to provide procedures; to provide duties; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also section 77-2715.03, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715.02, Revised Statutes Supplement, 1982.

Whereupon the 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	Chronister	Cullan	DeCamp	Eret
Fowler	Goodrich	Haberman	Higgins	Hoagland
Johnson, V.	Kahle	Kilgarin	Labedz	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Rupp	Schmit	Sieck	Vickers
Wagner	Wesely	Wiitala	Withem	

Voting in the negative, 17:

Abboud	Barrett	Carsten	Clark	Fenger
Goll	Hannibal	Hefner	Jacobson	Johnson, R.
Lamb	Peterson, H.	Peterson, R.	Pirsch	Remmers
Von Minden	Warner			

Excused and not voting, 3:

Beyer	Chambers	Johnson, L.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 432.

A BILL FOR AN ACT to amend section 48-628, Revised Statutes Supplement, 1982, as amended by section 4, Legislative Bill 248, Eighty-eighth Legislature, First Session, 1983, relating to labor; to change provisions relating to disqualification for benefits; and to repeal the original section.

Whereupon the 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	Carsten	Cullan	DeCamp	Eret
Fowler	Haberman	Hannibal	Higgins	Hoagland
Johnson, V.	Kahle	Kilgarin	Labedz	Landis
Marsh	Morehead	Newell	Pappas	Rupp
Sieck	Vickers	Wesely	Wiitala	Withem

Voting in the negative, 20:

Abboud	Barrett	Chronister	Clark	Fenger
Goll	Goodrich	Hefner	Jacobson	Johnson, R.
Lamb	Nichol	Peterson, H.	Peterson, R.	Pirsch
Remmers	Schmit	Von Minden	Wagner	Warner

Present and not voting, 1:

Lundy

Excused and not voting, 3:

Beyer	Chambers	Johnson, L.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 465. With Emergency.

A BILL FOR AN ACT to amend section 79-801, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to the annexation of property by cities or villages lying within certain school districts; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall

the bill pass with the emergency clause attached?' "

Mr. Wagner requested a roll call vote.

Voting in the affirmative, 33:

Barrett	Beutler	Carsten	Chronister	Cullan
Eret	Fenger	Fowler	Goll	Goodrich
Hannibal	Higgins	Hoagland	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Landis	Marsh
Morehead	Newell	Pappas	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Wagner
Warner	Wiitala	Withem		

Voting in the negative, 12:

Abboud	Clark	DeCamp	Haberman	Hefner
Jacobson	Lamb	Nichol	Peterson, H.	Peterson, R.
Von Minden	Wesely			

Present and not voting, 1:

Lundy

Excused and not voting, 3:

Beyer	Chambers	Johnson, L.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 64.

A BILL FOR AN ACT to adopt the Nebraska Low-Income Energy Act; to provide for termination; to provide an operative date; 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, 31:

Barrett	Beutler	Chronister	DeCamp	Fenger
Goll	Goodrich	Hannibal	Hefner	Higgins

Hoagland	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Landis	Lundy	Marsh	Morehead	Pappas
Peterson, H.	Remmers	Rupp	Schmit	Sieck
Vickers	Wagner	Warner	Wesely	Wiitala
Withem				

Voting in the negative, 15:

Abboud	Carsten	Clark	Cullan	Eret
Fowler	Haberman	Jacobson	Labedz	Lamb
Newell	Nichol	Peterson, R.	Pirsch	Von Minden

Excused and not voting, 3:

Beyer	Chambers	Johnson, L.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 94 to Select File

Mr. Vickers moved to return LB 94 to Select File for the following specific amendment:

On page 8 line 5 strike "exemption" insert "deferral"

The motion to return prevailed with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 94. The Vickers specific amendment found in this day's Journal was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Lundy 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 170.

A BILL FOR AN ACT to amend section 37-215.03, Reissue Revised Statutes of Nebraska, 1943, and sections 37-201 and 37-216.01, Revised Statutes Supplement, 1982, relating to game and parks; to change provisions relating to limited permits; to authorize such permits for antelope and wild turkeys; to change provisions relating to hunting by farmers or ranchers; to establish fees; to provide an exception to habitat stamp requirements; to provide a penalty; 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, 34:

Abboud	Barrett	Beutler	Carsten	DeCamp
Fenger	Goll	Goodrich	Haberman	Hefner
Higgins	Jacobson	Johnson, R.	Kahle	Kilgarin
Labedz	Lamb	Landis	Marsh	Morehead
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Wiitala	Withem	

Voting in the negative, 8:

Clark	Cullan	Fowler	Hannibal	Hoagland
Johnson, V.	Newell	Rupp		

Present and not voting, 3:

Chronister	Eret	Schmit

Excused and not voting, 4:

Beyer	Chambers	Johnson, L.	Lundy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 173.

A BILL FOR AN ACT to provide for lifetime hunting and fishing licenses; to provide for fees; to provide for rules and regulations; 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:

Abboud	Barrett	Beutler	Carsten	Chronister
Clark	Cullan	DeCamp	Eret	Fenger
Fowler	Goll	Goodrich	Hannibal	Hefner
Higgins	Hoagland	Jacobson	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 0.

Present and not voting, 2:

Haberman Schmit

Excused and not voting, 4:

Beyer Chambers Johnson, L. Lundy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 375. With Emergency.

A BILL FOR AN ACT to amend section 60-301, Revised Statutes Supplement, 1982, relating to motor vehicles; to redefine fertilizer trailers; 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:

Abboud	Barrett	Beutler	Carsten	Chronister
Clark	Cullan	DeCamp	Eret	Fenger
Fowler	Goll	Goodrich	Hannibal	Hefner
Higgins	Hoagland	Jacobson	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol

Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Sieck	Vickers	Von Minden	Wagner
Wesely	Wiitala	Withem		

Voting in the negative, 0.

Present and not voting, 3:

Haberman	Schmit	Warner

Excused and not voting, 3:

Beyer	Chambers	Johnson, L.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 536. With Emergency.

A BILL FOR AN ACT to amend sections 54-101, 54-115, 54-133.01, 54-169, and 54-415, Revised Statutes Supplement, 1982, relating to livestock; to define terms; to change provisions relating to brands; to provide for the disposition of certain funds; 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:

Abboud	Barrett	Carsten	Chronister	Clark
Cullan	DeCamp	Eret	Fenger	Fowler
Goll	Goodrich	Haberman	Hannibal	Hefner
Higgins	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Von Minden	Wagner	Warner	Wesely	Wiitala
Withem				

Voting in the negative, 2:

Hoagland Vickers

Present and not voting, 2:

Beutler Jacobson

Excused and not voting, 4:

Beyer Chambers Johnson, L. Johnson, R.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 538.

A BILL FOR AN ACT to amend section 25-2504, Reissue Revised Statutes of Nebraska, 1943, relating to civil procedure; to provide for notice of agency hearings as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Barrett	Beutler	Carsten	Chronister
Clark	Cullan	DeCamp	Eret	Fenger
Fowler	Goll	Goodrich	Haberman	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Wiitala	Withem	

Voting in the negative, 0.

Excused and not voting, 5:

Beyer Chambers Johnson, L. Johnson, R. Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 369.

A BILL FOR AN ACT relating to bonds of public officers and employees; to amend sections 11-126, 51-403, and 80-401.08, Reissue Revised Statutes of Nebraska, 1943, and section 11-119, Revised Statutes Supplement, 1982; to increase the bond penalties of certain state officers; to permit the purchase of blanket bonds for certain officers, deputies, and employees; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Barrett	Beutler	Chronister	Clark
Cullan	DeCamp	Eret	Fenger	Fowler
Goll	Goodrich	Haberman	Hannibal	Hefner
Higgins	Hoagland	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala	Withem			

Voting in the negative, 0.

Present and not voting, 2:

Carsten Jacobson

Excused and not voting, 5:

Beyer Chambers Johnson, L. Johnson, R. Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 463.

A BILL FOR AN ACT to amend sections 33-109 and 33-112, Reissue Revised Statutes of Nebraska, 1943, relating to fees; to change the fees

for recording or indexing certain instruments; to eliminate a fee; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Barrett	Beutler	Carsten	Chronister
Clark	Cullan	DeCamp	Eret	Fenger
Fowler	Goll	Goodrich	Haberman	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Marsh	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Withem	

Voting in the negative, 0.

Present and not voting, 1:

Wiitala

Excused and not voting, 4:

Beyer	Chambers	Johnson, L.	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 120. Mr. DeCamp asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 207. Mr. Vickers asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 306.

A BILL FOR AN ACT to amend section 29-431, Reissue Revised Statutes of Nebraska, 1943, relating to crimes; to redefine a term; to require that certain children be secured within a motor vehicle; to provide penalties; to provide for the treatment of compliance and violations as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Beutler	Chronister	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Hannibal
Hefner	Higgins	Hoagland	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Pirsch	Rupp	Sieck	Wagner
Warner	Wesely	Wiitala	Withem	

Voting in the negative, 11:

Abboud	Barrett	Carsten	Clark	Haberman
Jacobson	Lamb	Peterson, R.	Remmers	Vickers
Von Minden				

Excused and not voting, 4:

Beyer	Chambers	Johnson, L.	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 180.

A BILL FOR AN ACT relating to county jails; to amend section 47-301, Reissue Revised Statutes of Nebraska, 1943, and sections 23-2810 and 23-2811, Revised Statutes Supplement, 1982; to allow certain counties to establish a community work force program; to provide for the administration of such program; to change a provision relating to sentence reduction as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Barrett	Beutler	Carsten	Chronister
Clark	Cullan	DeCamp	Eret	Fenger
Fowler	Goll	Goodrich	Haberman	Hannibal

Hefner	Hoagland	Jacobson	Johnson, R.	Johnson, V.
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 1:

Higgins

Present and not voting, 1:

Kahle

Excused and not voting, 4:

Beyer	Chambers	Johnson, L.	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 237. Mr. DeCamp asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 272.

A BILL FOR AN ACT to amend section 24-317, Reissue Revised Statutes of Nebraska, 1943, relating to judges; to provide powers; to provide duties; and to repeal the original section, and also sections 24-517.01 and 25-1329, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Barrett	Beutler	Carsten	Chronister
Clark	Cullan	DeCamp	Eret	Fenger
Fowler	Goll	Goodrich	Haberman	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, R.
Johnson, V.	Kilgarin	Labedz	Lamb	Landis
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Sieck	Vickers	Von Minden	Wagner

Warner Wesely Wiitala Withem

Voting in the negative, 0.

Present and not voting, 2:

Kahle Lundy

Excused and not voting, 3:

Beyer Chambers Johnson, L.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 209 to Select File

Mr. Goodrich moved to return LB 209 to Select File for the following specific amendment:

After the period on page 2, line 18, insert the following: Expulsion may be specified as a sanction for particular conduct only if the school board or board of education finds that the type of conduct for which expulsion is specified has the potential to seriously affect the health, safety or welfare of the student, other students, staff members, or any other person or to otherwise seriously interfer with the educational process.

Page 4, line 12, following "except" strike "that the student may be" and insert "this subdivision shall apply only to students at least twelve years of age but", and strike "eighteen" and insert "nineteen".

The motion to return prevailed with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 209. The Goodrich specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

PRESIDENT MCGINLEY PRESIDING

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Return LB 209 to Select File

Mr. V. Johnson moved to return LB 209 to Select File for the following specific amendment:
Strike Section 1.

Speaker Nichol and Mr. Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. V. Johnson requested a roll call vote on his motion to return.

Voting in the affirmative, 18:

Abboud	Beutler	Fenger	Goll	Haberman
Hoagland	Johnson, V.	Kilgarin	Marsh	Newell
Remmers	Rupp	Schmit	Sieck	Wagner
Wesely	Wiitala	Withem		

Voting in the negative, 26:

Barrett	Carsten	Chronister	Clark	DeCamp
Eret	Fowler	Goodrich	Hannibal	Hefner
Higgins	Jacobson	Johnson, R.	Kahle	Labedz
Lamb	Landis	Lundy	Morehead	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Von Minden
Warner				

Present and not voting, 1:

Vickers

Absent and not voting, 1:

Cullan

Excused and not voting, 3:

Beyer	Chambers	Johnson, L.

The V. Johnson motion lost with 18 ayes, 26 nays, 1 present and not voting, 1 absent and not voting, and 3 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 73A, 108, 214, 234A, 326, 350, 371, and 371A.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 214

The following changes, required to be reported for publication in the Journal, have been made:
ER0077

1. In the Hoagland amendment, the old matter stricken on page 8, lines 12 and 13, has been shown as stricken.

Enrollment and Review Change to LB 326

The following changes, required to be reported for publication in the Journal, have been made:
ER0076

1. On page 1, line 4, "to change a fee;" has been inserted after the semicolon.

2. In lieu of the Beutler amendment, the Standing Committee amendment 2 has been stricken.

Enrollment and Review Change to LB 350

The following changes, required to be reported for publication in the Journal, have been made:
ER0078

1. In the Vickers, Hoagland, and Haberman amendment adopted on April 14, commas have been inserted after "investigation", "employees", and "witnesses"; and in the amendment to line 16 "Section" has been stricken and "section" inserted and the underscoring removed.

Enrollment and Review Change to LB 371

The following changes, required to be reported for publication in the Journal, have been made:
ER0075

1. In the E & R amendment, page 1, line 9, the second "and" has been stricken; and in line 10 "; to provide severability; and to repeal the original sections" has been inserted after "prescribed".

2. In the Schmit amendment, AM1150, adopted on 4/14, on page 1, line 14, "10" has been stricken and "15" inserted.

(Signed) Tristi J. Wilson

E & R Attorney

STANDING COMMITTEE REPORT
Public Works

The Public Works Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Robert J. Stutzman, Lincoln - Board of Public Roads Classifications and Standards

Vote: Aye: Schmit, Clark, DeCamp, Withem, Lamb. Absent and Not Voting: Beyer, Hoagland, and Wesely.

(Signed) Loran Schmit, Chairperson

ATTORNEY GENERAL'S OPINIONS

Opinion No. 81
April 13, 1983

Dear Senator Cullan:

This is in reply to your inquiry which pertains to LB 126 of the Eighty-eighth Legislature, First Session 1983. That legislative bill is an act to provide a work-study program for students at certain postsecondary educational institutions. You ask if the amendment thereto of March 1, 1983, which would limit the benefits of this act to eligible Nebraska students who are enrolled in either a public or private postsecondary institutions in this state which offer courses of instruction leading to a bachelor's, master's, or professional degree, violates the Nebraska Constitution which prohibits special legislation.

Neither the United States Constitution nor the Nebraska Constitution deprive the Legislature of any right to classify objects for legitimate governmental purposes. Thus, it is well settled law that the Legislature may classify objects of legislation, and if the classification is reasonable and not arbitrary, it is a legitimate exercise of legislative power and not violative of the Nebraska Constitution. City of Scottsbluff v. Tiemann, 185 Neb. 256, 266, 175 N.W.2d 74 (1970). Likewise, it is well settled law that nonfundamental rights classifications are not violative of the Equal Protection Clause of the United States Constitution "if any state of facts reasonably can be conceived that would sustain it." State v. Sprague, 213 Neb. 581, 591, _____ N.W.2d _____ (1983); Lindsey v. National Carbonic Gas Co., 220 U.S. 61, 78 (1911).

Section 1 of LB 126 states that "The Legislature hereby finds and declares that there exists an urgent need to provide financial assistance to eligible Nebraska students enrolled, or accepted, or accepted for enrollment, in eligible postsecondary institutions within this state." However, LB 126, as amended, does not state the circumstances which give rise to that "need" and consequently we are unable to discern from the language of this legislative bill why students enrolled in certain institutions which offer courses of instruction leading to a bachelor's, master's, or professional degree would be eligible for financial assistance but students enrolled in other types of postsecondary institutions are not. Moreover, since the language used in this legislative bill seems clear, a court, in construing it, could find that the language used cannot be amplified or contracted by legislative proceedings pertaining thereto. Sun Insurance Co. v. Aetna Insurance Co., 169 Neb. 94, 112, 98 N.W.2d 692 (1959). Thus, on its face, the classification created by LB 126, as amended, is arbitrary and arguably unconstitutional.

On the chance that it would somehow be proper for a court to examine the legislative history of LB 126, we have examined the floor debate thereon to ascertain if it sheds any light on your question. Upon doing so we find that at least some members of the Legislature were of the opinion that the state could not, realistically, appropriate sufficient funds to cover the entire student population and therefore it should target the appropriations that could be made available to those programs that clearly lead to those degrees which serve a certain need in our society. What are those degrees? The floor debate discloses the following:

> We are not graduating enough people in mathematics. We are not graduating enough people in sciences. We are not graduating enough people in genetics. We are not graduating enough people in computer sciences. We are not graduating enough people in medicine. We are not graduating enough people who are knowledgeable of foreign languages. We are not graduating enough people who can teach those subjects.

The above quoted floor debate is commendable. Unfortunately, there is nothing in the language used in LB 126 which would limit or target any appropriation made to implement this legislative bill to students enrolled in courses of study which leads to one of the above stated degrees. Nor is there anything in LB 126 which would limit the number of years a student could participate in the work-study program while pursuing a course of study leading to one of the above stated degrees. In short, we find nothing in the language used in LB 126 that would tend to insure that the above quoted needs would ever be met.

Upon giving due consideration to the above, we hesitate to say that LB 126, as amended, is unconstitutional. On the other hand, we can

tell you that a court could find it to be special legislation. At the very least, the constitutionality of this legislative bill would be very difficult to defend.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature
2018 State Capitol
Lincoln, Nebraska 68509

Opinion No. 82
April 18, 1983

Dear Senator Beutler:

This is in response to your letter of April 5, 1983, concerning language in LB 371 which would allow courts to enter ex parte restraining orders which, in effect, enjoin a party in a divorce proceeding from molesting or disturbing the peace of the other party or any minor children affected by the action.

Neb.Rev.Stat. §42-357 (Reissue 1978) without the amendment presently provides for the issuance of ex parte orders enjoining any party from molesting or disturbing the other party. The inclusion of minor children within the scope of ex parte orders was of concern to you from a constitutional standpoint in view of parent-child relationships.

The courts have held that parental rights are a basic right and cannot be terminated without the parents being fully protected by due process. A natural parent has the right to maintain custody of his or her children subject only to the paramount interest which the public has in the protection of the rights of the child. State v. Metteer, 203 Neb. 515, 279 N.W.2d 374; State v. A.H., 198 Neb. 444, 253 N.W.2d 283; Linn v. Linn, 205 Neb. 218, 286 N.W.2d 765. We feel that the Fourteenth Amendment guarantees would apply to a suspension of such rights which would be the result in the case of an ex parte restraining order as to the children involved in the divorce. The parent against whom the order is issued must have that protection, yet that parent's immediate interest must be considered and balanced against the welfare of the children. Children involved in divorce actions are wards of the court, and the ultimate decision as to children must be made from the standpoint of their best interest. Wassung v. Wassung, 136 Neb. 440, 286

N.W. 340; Ford v. Ford, 191 Neb. 448, 216 N.W.2d 176; Weber v. Weber, 200 Neb. 659, 265 N.W.2d 436. We can readily visualize that in many instances the requesting party has possession of and is caring for the children. In such a situation, the need for peaceful environs by the requesting parent is inextricably tied to a similar need by the children. It could be in the best interest of the children to include them within the scope of the restraining order on an ex parte basis.

However, in view of State v. Metteer, supra, and the other cases cited, we feel that the relationship between parent and child is such that any order should be for a limited time pending notice and a hearing on the merits of the allegations of the requesting party. Thus, it is our opinion that an ex parte order involving children should be issued according to a reasonable statutory time frame that would provide for notice and hearing compatible with standard of due process. It is, therefore, our opinion that Section 1 of LB 371 is constitutionally suspect.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Royce N. Harper
Assistant Attorney General

RNH:jmh
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 83
April 19, 1983

Dear Senator Morehead:

You have submitted to us a proposed amendment to LB 363, and have asked our opinion as to its constitutional validity. It appears to us to violate Article III, Section 18, of the Nebraska Constitution by creating a permanently closed class.

LB 363 would exempt certain food from liability for the sales tax. Your proposed amendment would provide that an incorporated municipality imposing a sales tax on the effective date of the act could increase that sales tax by an amount not to exceed one-fourth of one percent, to compensate for revenue lost because of the removal of the sales tax on food.

The general limitations on city sales taxes are found in Neb.Rev.Stat. §77-27,142 (Reissue 1981). Any municipality which does not now impose a sales tax, but which may wish to do so in the future, will be bound by the limitations contained in §77-27,142. On the other hand, municipalities imposing such a tax on the effective date of the act

would be able to exceed those limits by one-fourth of one percent. Other municipalities would never be able to do so.

In State ex rel. Douglas v. Marsh, 207 Neb. 598, 300 N.W.2d 181 (1980), the court said:

> The Kelso rule remains the law of this state and was reaffirmed by this court in City of Scottsbluff v. Tiemann, 185 Neb. 256, 261, 175 N.W.2d 74, 79 (1970), wherein we said: "The law is unmistakably clear that a statute classifying cities for legislative purposes in such a way that no other city may ever be added to the class violates the constitutional provision forbidding special laws where general laws can be applicable." See, also, Axberg v. City of Lincoln, 141 Neb. 55, 2 N.W.2d 613 (1942). No matter what may happen in the future with regard to the location of exempt property, once the amount to be paid by the state to each of the several counties is determined, no change with regard to that basic formula may thereafter be made. Such provision clearly flies in the face of the prohibition contained in Neb.Const. art. III, §18.

This language appears clearly applicable to the amendment you have submitted to us, so we believe our court would strike it down, as creating a closed class.

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

RHG:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Members Excused

Messrs. Cullan, R. Johnson, V. Johnson, and Newell asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Return LB 237 to Select File

Mr. DeCamp moved to return LB 237 to Select File for the following specific amendment:

Page 3 Strike Lines 4 & 5.

Mrs. Higgins, Messrs. Wagner, and Barrett asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. H. Peterson 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. DeCamp asked unanimous consent to withdraw his motion to return. No objections. So ordered.

Mr. Wesely moved to return LB 237 to Select File for the following specific amendment:
AM1216

(Amendments to Final Reading Copy)

1. Insert the following new section:

"Sec. 7. At least once every five years, the retirement committee shall cause the liability of the Police Officers' Retirement System Fund to be evaluated by an actuary who is a member of the American Academy of Actuaries. Such actuary shall report to the retirement committee and the city as to the soundness and solvency of the fund in relation to projected plan liabilities and the amount of annual deposits by the city which would be sufficient to provide for such liabilities. For any city for which the most recent actuarial report shows that the assets of the unallocated employer account are sufficient to provide for the projected plan liabilities and that additional contributions to this account will not be required no further actuarial evaluation shall be required. Any unfunded liability of the retirement system shall within twenty-five years of the effective date of this act be funded to at least eighty per cent of such unfunded liability.".

2. On page 5, line 1, before "Each" insert "(1)"; and after line 9 insert:

"(2) Each such city shall contribute any additional amounts necessary to fund retirement or other retirement plan benefits not provided by employee contributions or designated city contributions. Such additional contributions shall be accumulated in an unallocated employer account of the Police Officers' Retirement System Fund and used to provide the excess benefits, if any, specified in sections 8, 10, and 11 of this act.".

3. On page 9, strike lines 25 through 27 and insert "In the event of the death of a disabled police officer, a lump sum shall be payable to the beneficiary specified by the deceased police officer before his or her death, or to the deceased police officer's estate in the event that no beneficiary was specified. The lump sum shall equal the officer's retirement value at the

date of disability, reduced by the sum of all amounts previously paid under this section.".

4. On page 10, strike line 1.

5. Renumber remaining sections and correct internal references accordingly.

Mr. Wesely asked unanimous consent to withdraw his motion to return. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolution: 169, 432, 465, 64, 170, 173, 375, 536, 538, 369, 463, 306, 180, 272, and LR 68.

EXPLANATION OF VOTE

Had I been present, I would have voted yes on LB 173 and 375.

(Signed) Rex Haberman

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 237.

A BILL FOR AN ACT relating to cities of the first class; to establish a retirement system for police officers as prescribed; to create funds; to authorize a levy; to exclude certain contributions from budget limitation provisions; to provide an operative date; to repeal pension provisions; and to repeal sections 16-330 to 16-336, 16-336.01, and 16-337, Revised Statutes Supplement, 1982.

Whereupon the 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:

Abboud	Beutler	Carsten	Chambers	Chronister
Clark	DeCamp	Eret	Fenger	Fowler
Goll	Goodrich	Haberman	Hannibal	Hefner
Hoagland	Jacobson	Johnson, R.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh

Morehead	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Wiitala
Withem				

Voting in the negative, 0.

Present and not voting, 2:

Barrett Schmit

Excused and not voting, 6:

Beyer	Cullan	Higgins	Johnson, L.	Johnson, V.
Newell				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 237.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 631. Placed on General File.

(Signed) John W. DeCamp, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 84
April 19, 1983

Dear Senator Jacobson:

This is in response to your letter of April 12, 1983, concerning the constitutionality of a Sanitary Improvement District (SID) operating a cable television system.

We see no obvious problem with violation of any specific provision of the constitution by such action. Rather, it would appear that such action is outside the scope of the present specific authority granted to SID's by statute. The Nebraska Supreme Court has indicated that SID's

are municipal corporations, and has further stated that:

> The rule has long been established in this state that a municipal corporation "possesses, and can exercise, the following powers, and no others: First, those granted in express words; second, those necessarily or fairly implied in or incident to the powers expressly granted; third, those essential to the declared objects and purposes of the corporation—not simply convenient, but indispensable."

Lang v. Sanitary District, 160 Neb. 754 at 763-764, 71 N.W.2d 608 (1955).

Neb.Rev.Stat. §31-727 (Reissue 1978), sets out the specific authority granted to SID's. Operation of a cable television system would not appear to be within the authority granted by this provision or a power necessarily or fairly implied by these express powers. However, without the opportunity to examine the specific proposed legislation involved in this matter, it would be difficult to give a more precise answer to your question.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature

VISITORS

Visitors to the Chamber were 54 fourth grade students, teachers, and sponsors from Schuyler; 20 fourth grade students and teacher from Lyons Elementary, Lyons; Mrs. Kerry Baldwin from Ralston High School, Omaha; 16 fourth grade students and teacher from Lincoln School, York; 40 students and teacher from North High School, Omaha; 56 seniors and teachers from Wood River; 70 students and teacher from St. Thomas More School, Omaha; students and teacher from Snyder; 22 members from Women's Chamber of Commerce of Omaha Delegation; and Senator Remmers' daughter, Joyce.

RECESS

At 12:03 p.m., on a motion by Speaker Nichol, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:37 p.m, President McGinley presiding.

ROLL CALL

The roll was called and all members were present except Messrs. L. Johnson and Landis who were excused; and Messrs. Chambers, DeCamp, Eret, Fowler, Haberman, Hoagland, V. Johnson, Newell, Sieck, Von Minden, Wagner, Mesdames Higgins, Pirsch, and Miss Kilgarin who were excused until they arrive.

MOTION - Return LB 602 from Governor

Mr. Warner moved to direct the Clerk to request the Governor to return LB 602 to the Legislature for further action.

The motion prevailed with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

COMMUNICATION

April 20, 1983

The Honorable Robert Kerrey
Governor of the State of Nebraska
State Capitol Building
Lincoln, Nebraska 68509

Dear Governor Kerrey:

The Legislature has directed that I respectfully request of you the return of LB 602 to the Legislature for further consideration.

Very truly yours,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/jb

MESSAGE FROM THE GOVERNOR

April 20, 1983

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

Dear Mr. O'Donnell:

Pursuant to your request, I am forwarding to your office LB 602.

Sincerely,
(Signed) ROBERT KERREY
Governor

Attachment

MOTION - Reconsider Final Passage of LB 602

Mr. Warner moved to reconsider the final passage of LB 602.

The motion prevailed with 30 ayes, 0 nays, 5 present and not voting, and 14 excused and not voting.

MOTION - Return LB 602 to Select File

Mr. Warner moved to return LB 602 to Select File for the following specific amendment:
AM1221

(Amendments to Final Reading Copy)

1. On page 1, line 6, strike "10" and insert "8"; in line 7, after "49," insert "50," and after "58," insert "and"; and in line 8 strike ", and 72".

2. On page 8, line 26, strike "10" and insert "8"; and in line 27 strike the first "10" and insert "8".

3. On page 57, in lines 17 and 18, strike "72" and insert "50".

4. On page 65, line 17, after "That" insert "original"; in line 19, strike "10" and insert "8"; in line 20 after "49," insert "50," and after "58," insert "and"; and in line 21 strike "and 72,".

The motion to return prevailed with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 602. The Warner specific amendment found in this day's Journal was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Expedite LB 602

Mr. Warner asked unanimous consent to expedite LB 602. No objections. So ordered.

UNANIMOUS CONSENT - Members Excused

Mrs. Marsh and Mr. Warner asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 90, 96, 302A, and 579.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 96
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0082

1. On page 1, lines 3 and 4, "assign responsibility for certain expenses" has been stricken and "change provisions relating to payment of certain costs" inserted.

(Signed) Tristi J. Wilson
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 198. E & R amendments, AM5122, found in the Journal on page 1486 for the Sixty-Third Day were adopted.

Mr. Vickers offered the following amendment:
AM1214

1. Insert the following new sections:

"Sec. 7. That section 46-229.04, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 380, Eighty-eighth Legislature, First Session, 1983, be amended to read as follows:

46-229.04. At such hearing the verified report of the water commissioner or engineers of the department shall be prima facie evidence for the

forfeiture and annulment of such water appropriation. If no one appears at the hearing, such water appropriation or unused part thereof shall be declared forfeited and annulled. If someone interested appears and contests the same, the department shall hear evidence, and if it appears that such water has not been put to a beneficial use, or has ceased to be used for such purpose for more than three consecutive years, the same shall be declared canceled and annulled unless the department finds that there has been sufficient cause for such nonuse. Sufficient cause shall be deemed to exist if during the period of nonuse:

(1) The land subject to the appropriation was placed under an acreage reserve or production quota program or otherwise withdrawn from use as required for participation in any federal or state program;

(2) Federal, state, or local laws, rules, or regulations temporarily prevented or restricted such use;

(3) The available water supply was inadequate to enable the owner to use the water for a beneficial or useful purpose;

(4) Use of the water was unnecessary because of climatic conditions;

(5) Circumstances were such that a prudent person, following the dictates of good husbandry, would not have been expected to use the water;

(6) The works, diversions, or other facilities essential to use of the water were destroyed by a cause not within the control of the owner of the appropriation, and good faith efforts to repair or replace the works, diversions, or facilities have been and are being made;

(7) The owner of the appropriation was in active involuntary service in the armed forces of the United States or was in active voluntary service during a time of crisis; or

(8) Legal proceedings prevented or restricted use of the water.

Sufficient cause for nonuse shall also be deemed to exist if the owner of an appropriation has obtained recognition of incidental underground water storage associated with such appropriation pursuant to section 5 of this act and such owner demonstrates that such water stored incidentally underground is being used

by one or more persons who (1) at any time signed a contract for delivery of surface water from such owner and (2) either are no longer parties to such a contract or have contracted for delivery of less surface water than they contracted for at a previous time. The director may declare such appropriation canceled and annulled for any other valid reason.

The department may specify by rule and regulation other circumstances which shall be deemed to constitute sufficient cause.

Sec. 13. The director may approve an application filed pursuant to section 12 of this act subject to the following conditions:

(1) The rate, quantity or time of surface water diversion shall not be increased from that approved for the original appropriation;

(2) If the water to be stored underground will be used for irrigation purposes, the director may approve the service of additional amounts of land or different lands not identified to be served with facilities included under the original appropriation if the director determines that the change is in the public interest and that any interference with the rights of senior appropriators as a result of such change is unavoidable and not material; and

(3) The priority date shall remain the same as that of the original appropriation.

The director may grant the application in a modified or reduced form if required by the public interest and may impose such other reasonable conditions as deemed appropriate to protect the public interest. The approval shall include an identification of the water to be stored underground.".

2. On page 1, line 3, strike the first "and"; in line 4 after "1982" insert ", and section 46-229.04, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, LB 380, Eighty-eighth Legislature, First Session, 1983"; and in line 8 after the semicolon insert "to modify provisions relating to cancellation and annulment of water rights;".

3. On page 3, line 3, after "is" insert "being"; in line 12 strike "or"; in line 13 strike "incidental"; and in line 27 strike "46-240" and insert "46-229.04 and section 5".

4. On page 4, line 1, strike "and sections 5

and 6"; in line 4 strike "11" and insert "12"; in line 8 strike "12" and insert "14"; in line 9 after "46-202," insert "46-229.04,"; in line 10 strike ", 6," and insert "to 7"; and in line 11 strike "11" and insert "12".

5. On page 5, after line 27, insert:

"(3) For filing, recording, and examining each application for modification of a permit to recognize incidental underground water storage, one hundred dollars;"; and renumber remaining subdivision references accordingly.

6. On page 8, strike beginning with the comma in line 16 through the comma in line 17; strike beginning with "subject" in line 24 through "(1)" in line 25 and insert "if the applicant demonstrates that incidental underground water storage has occurred as a result of the appropriation."; and in line 27 strike the semicolon and insert "and the".

7. On page 9, strike beginning with "(2)" in line 1 through "The" in line 11; and in line 18 strike "or to be stored".

8. On page 12, line 15, strike "or incidentally"; and in line 23 after "water" insert "intentionally".

9. On page 15, line 5, after "water" insert "intentionally".

10. On page 17, line 14, strike beginning with the comma through "act".

11. On page 18, in lines 22 and 27; and on page 19, in lines 12 and 22, strike "12" and insert "14".

12. On page 20, line 24, strike "11" and insert "13", and strike "15" and insert "16"; and in line 27 strike "or intentionally" and after "underground" insert ". Any person other than a person entitled to obtain a permit for recovery of water stored intentionally underground may use such water".

13. On page 21, line 8, after "any" insert "person who has obtained recognition of incidental underground water storage pursuant to section 5 of this act and with any" and strike "or"; in line 9 strike "incidental"; in line 11 strike "6 or 11" and insert "12"; in line 19 strike the first "and"; and in line 20 after "1982," insert "and section 46-229.04, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 380, Eighty-eighth

Legislature, First Session, 1983,".

14. Strike the Kahle and Vickers amendments and E&R amendment 4.

15. In the Standing Committee amendments:

(a) On page 1, line 3, strike "20" and insert "22";

(b) On page 2, line 5, strike "14" and insert "16"; in line 11 strike "19" and insert "21", after the first semicolon insert "and", and strike the second semicolon and insert a period; strike lines 12 through 14; in line 16 strike "11" and insert "12"; in lines 17 and 23 strike "14" and insert "16"; in line 24 strike "15 or 16" and insert "17 or 18"; and in line 26 strike "14" and insert "16"; and

(c) On page 3, strike lines 2 and 3.

16. Renumber original sections 7 to 11, 13 to 20, and 21 to 23 as sections 8 to 12, 14 to 21, and 23 to 25, respectively.

Mr. Vickers offered the following amendment to the Vickers amendment:

On page 3, line 1, after the word "exist," strike the word "if" and insert "to the extent," and after the word "act" in line 4, insert a period and strike the remaining language in lines 4 through 12.

Mr. Vickers moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Vickers amendment was adopted with 25 ayes, 8 nays, 8 present and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. CLARK PRESIDING

Mr. Chronister asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 6 nays, and 24 not voting.

Mr. Vickers requested a record vote on his amendment as amended.

Voting in the affirmative, 13:

Cullan	Haberman	Hannibal	Hoagland	Johnson, R.
Johnson, V.	Lamb	Newell	Pappas	Rupp
Vickers	Wesely	Wiitala		

Voting in the negative, 21:

Barrett	Beyer	Carsten	Clark	DeCamp
Goll	Goodrich	Hefner	Jacobson	Kahle
Kilgarin	Labedz	Lundy	Nichol	Peterson, H.
Peterson, R.	Remmers	Schmit	Sieck	Von Minden
Wagner				

Present and not voting, 9:

Abboud	Beutler	Chambers	Eret	Fenger
Fowler	Morehead	Pirsch	Withem	

Excused and not voting, 6:

Chronister	Higgins	Johnson, L.	Landis	Marsh
Warner				

The Vickers amendment, as amended, lost with 13 ayes, 21 nays, 9 present and not voting, and 6 excused and not voting.

PRESIDENT MCGINLEY PRESIDING

Mr. Vickers offered the following amendment:
AM1139

1. On page 17, in lines 17 and 18, strike the commas; in line 18 strike "sections 5 and" and insert "section"; in line 20 after "who" insert "(1)"; and in line 21 after "water" insert ", (2) has at any time signed a contract for delivery of surface water from the person who has obtained recognition of incidental underground water storage, and (3) either is no longer a party to such a contract or has contracted for delivery of less surface water than he or she contracted for at a previous time".

Mr. Vickers moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Cullan	Eret	Fowler	Hannibal	Hoagland
Johnson, R.	Johnson, V.	Lamb	Newell	Nichol
Pappas	Rupp	Vickers	Wesely	Wiitala

Voting in the negative, 21:

Abboud	Barrett	Beyer	Carsten	Clark
DeCamp	Goll	Goodrich	Hefner	Jacobson
Kahle	Labedz	Lundy	Peterson, H.	Peterson, R.
Remmers	Schmit	Sieck	Von Minden	Wagner
Warner				

Present and not voting, 10:

Beutler	Chambers	Fenger	Haberman	Higgins
Kilgarin	Marsh	Morehead	Pirsch	Withem

Excused and not voting, 3:

Chronister	Johnson, L.	Landis

The Vickers amendment lost with 15 ayes, 21 nays, 10 present and not voting, and 3 excused and not voting.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 356A. By Cullan, 49th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 356, Eighty-eighth Legislature, First Session, 1983; and to declare an emergency.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 20, 1983, at 2:18 p.m., were the following bills: 169, 432, 465, 64, 170, 173, 375, 536, 538, 369, 463, 306, 180, 272, and 237.

(Signed) Jan Loder, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 626 in the Journal. No objections. So ordered.

AM1204

1. On page 17, lines 20 and 21, strike "business management" and insert "home building or a licensed real estate broker".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 618 in the Journal. No objections. So ordered.

1. Add the following new sections:

"Section 1. That section 68-104, Revised Statutes Supplement, 1982, be amended to read as follows:

68-104. The Department of Public Welfare shall be the overseer of the poor and shall be vested with the entire and exclusive superintendence of the poor in this state, except that subject to the limitations of section 68- 1022 the county board of each county shall furnish such medical service as may be required for the poor of the county who are not eligible for other medical assistance programs. In providing medical and hospital care for the poor, the county board shall make use of any existing facilities, including ~~tax supported~~ tax- supported hospitals and charitable clinics so far as the same may be available and shall use the financial eligibility criteria established for the standard of need developed by the Department of Public Welfare pursuant to section 68-126.

Sec. 2. That section 68-105, Revised Statutes Supplement, 1982, be amended to read as follows:

68-105. It shall be the duty of the Department of Public Welfare to provide all poor persons who meet the requirements of the department, and who are unable to earn a livelihood in consequence of any unavoidable cause, with the necessaries of life. The Department of Public Welfare shall pay all administrative costs associated with the county medical service program. Every person to whom the care of any such poor person shall be entrusted shall execute a bond to the department conditioned that he or she will treat such poor person with humanity, and afford to him or her

the necessary comforts of life, fitted to his or her condition. Such bond shall set forth the sum to be paid by the department for keeping such poor person.

Sec. 3. That section 68-703, Revised Statutes Supplement, 1982, be amended to read as follows:

68-703. The powers and duties of the Director of Public Welfare are as follows:

(1) To administer the Department of Public Welfare as provided by law;

(2) To determine the general principles and outline the operation of public assistance, child welfare, and related activities;

(3) To establish rules and regulations which are in conformance with section 68-129 for efficiently administering the department and performing the duties assigned to it;

(4) To organize the department;

(5) To appoint and fix the salaries of all necessary staff for performance of the duties of the department and in compliance with the rules and regulations of the merit system;

(6) To consult and cooperate with the Department of Public Institutions and the Department of Correctional Services so as to coordinate in an effective manner the welfare activities of the department with those related activities affecting the welfare of persons in state institutions which are the responsibility of the Department of Public Institutions or the Department of Correctional Services;

(7) To consult and, under the general direction and guidance of the Adjutant General and the state Civil Defense Agency, to coordinate programs to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster;

(8) To take the official oath; ~~and~~

(9) To make an annual report to the Governor and prepare a biennial budget for the department, and make such other studies and reports as may be deemed necessary; and

(10) To adopt and promulgate rules and regulations for general assistance and medical service programs authorized under sections 68-103 and 68-104.

The director shall be bonded under the blanket surety bond required by section 11-201.

Sec. 4. That section 68-717, Revised Statutes Supplement, 1982, be amended to read as follows:

68-717. The Department of Public Welfare shall assume the sole responsibility for all public assistance delegated to county boards and administered by the county boards or divisions of public welfare, including, but not limited to, aid to families with dependent children, emergency assistance, general assistance or direct county relief, ~~medical assistance,~~ assistance to the aged, blind, or disabled, crippled children's services, commodities, and food stamps. On and after July 1, 1985, the department shall also assume the sole responsibility for medical assistance.

Sec. 5. That section 68-1022, Revised Statutes Supplement, 1982, be amended to read as follows:

68-1022. Except for care in a state institution and care on behalf of persons who have a right of residence on any reservation under the jurisdiction of the government of the United States, the cost of medical assistance paid by the county in which the recipient may have a legal settlement shall be eighteen per cent commencing July 1, 1979. Commencing July 1, 1980, the county shall pay sixteen per cent of the cost of such medical assistance. Commencing July 1, 1981, the county shall pay fourteen per cent of the cost of such medical assistance. Commencing July 1, 1984, the county shall pay seven per cent of the cost of such medical assistance. Commencing July 1, ~~1983~~ 1985, and thereafter, medical assistance shall be paid from state funds and such funds as may be allocated by the government of the United States.

Sec. 6. This act shall become operative on July 1, 1983.

Sec. 7. That original sections 68-104, 68-105, 68-703, 68-717, and 68-1022, Revised Statutes Supplement, 1982, are repealed.

Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Newell asked unanimous consent to print the following amendment to LB 273 in the Journal. No objections. So ordered.

On page 4, strike section 5, and insert:

Sec. 5. The department shall have the authority to enforce this act

and such rules and regulations adopted thereto by any of the following: denial, suspension, restriction or revocation of a nursing home's license, refuse the renewal of a nursing home's license, restriction of a nursing home's admissions, or any other enforcement provision granted to the department.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 602.

(Signed) Rod Johnson, Chairperson

SELECT FILE

LEGISLATIVE BILL 198. Mr. Vickers moved to indefinitely postpone.

Messrs. Abboud, Beutler, and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 10 nays, and 20 not voting.

Speaker Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Vickers motion to indefinitely postpone lost with 4 ayes, 32 nays, 9 present and not voting, and 4 excused and not voting.

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vickers requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 31 ayes, 5 nays, 8 present and not voting, and 5 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 70.

Introduced by Newell, 13th District; Pappas, 42nd District; Marsh, 29th District; Eret, 32nd District; Kahle, 37th District.

WHEREAS, the third phase tax cut of the Economic Recovery Act of 1981 is scheduled to take effect on July 1, 1983; and

WHEREAS, the Nebraska tax structure is tied directly to the Federal tax liability and thus is affected by the proposed tax cuts; and

WHEREAS, the federal loss of revenue due to the tax cut is projected for fiscal year 1983, 1984, and 1985, at $7.2 billion, $30.2 billion, and $32.9 billion respectively, as calculated by the Congressional Budget Office; and

WHEREAS, the budget deficit, when this third phase tax cut occurs and current federal policy is left unchanged, is projected by the Congressional Budget Office for fiscal years 1983, 1984, and 1985, at $194.6 billion, $200.9 billion, and $210.5 billion respectively, or if one uses the President's more optimistic deficit figures of $208 billion, $189 billion, and $194 billion in those respective years; and

WHEREAS, the interest on the federal deficit as calculated by the Congressional Budget Office for fiscal years 1983, 1984, and 1985, at $87.3 billion, $96 billion, and $106.9 billion, respectively, or as projected by President Reagan's staff at $87.3 billion, $96 billion, and $105 billion in those respective years; and

WHEREAS, the most recent estimate by the Nebraska Department of Revenue as to the effect of federal tax cuts on Nebraska was in 1982 and was then projected to decrease state revenue by approximately $60 million; and

WHEREAS, there is a need to balance the federal budget and the Nebraska Constitution requires a balanced budget; and

WHEREAS, the proposed tax cuts are financed through deficit spending and force future generations to pay for these cuts for years to come; and

WHEREAS, the tax cuts will primarily go to those individuals and corporations in the higher income tax brackets; and

WHEREAS, the premise of supply-side economics has been unsupported by actual experience.

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

1. That this Legislature go on record urging our Representatives in Washington to delay the implementation of the third phase tax cuts as authorized by the Economic Recovery Act of 1981 and scheduled for July 1, 1983.

2. That this Legislature go on record urging our Representatives in Washington to renew efforts to balance the federal budget and/or decrease the rate of increase of the federal budget deficit.

3. That this Legislature go on record urging our Representatives in Washington to cut back on defense spending and freeze domestic spending so that we can move toward a more balanced budget.

4. That a copy of this Resolution be sent to the President of the United States and Nebraska's Congressional Delegation.

Laid over.

SELECT FILE

LEGISLATIVE BILL 158. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 158A. Mr. Wiitala offered the following amendment:
PURPOSE: To provide funding for LB 158.
AMENDMENT:

Page 2, line 2, strike "forty-one thousand six hundred sixty" and insert "Nineteen thousand two hundred twenty-eight." On line 4, strike "forty-four thousand one hundred sixty" and insert "twenty thousand one hundred eighty-nine."

The amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 174. Mrs. Labedz renewed her pending amendment (2), AM1148, found in the Journal on page 1537.

The amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mrs. Labedz renewed her pending amendment (1), AM1149, found in the Journal on page 1537.

The amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mrs. Labedz asked unanimous consent to pass over LB 174. No objections. So ordered.

LEGISLATIVE BILL 433. Passed over.

UNANIMOUS CONSENT - Members Excused

Messrs. Barrett, Chronister, Hoagland, Fowler, and Mrs. Higgins

asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 585. Mr. DeCamp renewed his pending amendment, AM1174, found in the Journal on page 1552.

Mr. Vickers requested a ruling of the Chair on whether the amendment is germane to the bill.

The Chair ruled the amendment not germane to the bill.

Mr. V. Johnson challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Speaker Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

The motion to overrule the Chair lost with 7 ayes, 23 nays, 12 present and not voting, and 7 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM1162, found in the Journal on page 1553. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM1191, found in the Journal on page 1590. No objections. So ordered.

Mr. Remmers renewed his pending amendment, AM1194, found in the Journal on page 1601.

Speaker Nichol moved the previous question. The question is, "Shall the debate now close?" The motion lost with 15 ayes, 5 nays, and 29 not voting.

Mr. Remmers moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Remmers requested a record vote on his amendment.

Voting in the affirmative, 25:

Abboud	Beutler	Beyer	Clark	Cullan
DeCamp	Eret	Fenger	Goll	Goodrich
Hefner	Jacobson	Kahle	Lundy	Morehead
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Sieck	Vickers	Von Minden	Wiitala

Voting in the negative, 5:

Lamb	Marsh	Warner	Wesely	Withem

Present and not voting, 11:

Carsten	Chambers	Haberman	Hannibal	Johnson, V.
Kilgarin	Labedz	Newell	Rupp	Schmit
Wagner				

Excused and not voting, 8:

Barrett	Chronister	Fowler	Higgins	Hoagland
Johnson, L.	Johnson, R.	Landis		

The Remmers amendment was adopted with 25 ayes, 5 nays, 11 present and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

Mr. Warner offered the following amendment:
AM1145
1. In the Warner Amendment adopted on April 11, strike "per annum".

The amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Messrs. V. Johnson, Newell, Rupp, Haberman, and Carsten asked unanimous consent to be excused. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM1190, found in the Journal on page 1590. No objections. So ordered.

Mr. Remmers offered the following amendment:
Page 7, strike lines 2 through 4.

Mr. Clark asked unanimous consent to be excused. No objections. So ordered.

The Remmers amendment was adopted with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 585A. Advanced to E & R for Engrossment.

Mr. Abboud asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 174. Mr. Beutler renewed his pending amendment, AM1152, found in the Journal on page 1540. No objections. So ordered.

The amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 433. E & R amendments, AM5128, found in the Journal on page 1545 for the Sixty-Sixth Day were adopted.

Mr. Wiitala offered the following amendment:
AM1227

1. On page 2, in lines 6, 11, 13, 18, and 20; page 86, lines 17 and 19; page 90, line 22; page 91, line 1; page 92, in lines 15 and 23; page 93, in lines 18 and 25; page 95, in lines 8 and 16; page 96, in lines 6 and 13; page 97, in lines 5 and 12; page 98, in lines 8 and 15; page 99, in lines 4 and 11; page 100, in lines 5 and 13; page 101, in lines 12, 19, 21, and 27; strike "effective" and insert "operative".

2. Insert the following new section:

"Sec. 83. This act shall become operative on January 1, 1984.".

3. Renumber remaining section accordingly.

The amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Advanced to E & R for Engrossment.

VISITORS

Visitors to the Chamber were 17 students and teacher from Waverly High School, Waverly; and 31 students, teachers, and bus driver from

Barnston.

ADJOURNMENT

At 4:43 p.m., on a motion by Mr. Kahle, the Legislature adjourned until 8:30 a.m., Thursday, April 21, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-NINTH DAY - APRIL 21, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

SIXTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 21, 1983

Pursuant to adjournment, the Legislature met at 8:33 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. John Ross, Faith Lutheran Church, Seward, Nebraska.

ROLL CALL

The roll was called and all members were present except Miss Kilgarin, Mrs. Pirsch, Messrs. Chambers, Cullan, V. Johnson, Wesely, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Eighth Day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 71.

Introduced by Wesely, 26th District; Cullan, 49th District.

WHEREAS, 13,900 citizens of the State of Nebraska are now receiving railroad retirement benefits which they expect to receive upon retirement; and

WHEREAS, 12,600 railroad employees in Nebraska are now working with the expectation of reasonable protection of their retirement benefits; and

WHEREAS, any reduction in the amount of benefits received by beneficiaries under the railroad retirement system would have a drastic affect on the ability of these beneficiaries to meet normal living expenses; and

WHEREAS, projections of the financial condition of the railroad retirement system show that unless corrective action is taken, monthly anuities will have to be reduced significantly beginning with the annuity checks to be sent out October 1, 1983, with additional reductions required in the future; and

WHEREAS, a bill, H.R. 1646, the Railroad Retirement Solvency Act of 1983, was introduced in the United States House of Representatives on February 24, 1983, by Mr. Florio; and

WHEREAS, H.R. 1646 would resolve the short-term and long-term financial problems of the railroad retirement system, through tax increases on railroad employers and employees and adjustments of benefits to current and future beneficiaries, thereby preserving and protecting the rights and expectations of those currently receiving and those who would receive such benefits in the future.

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

1. That the Legislature urges the Members of Congress representing the State of Nebraska to actively support and vote favorably on H.R. 1646, the Railroad Retirement Act of 1983.

2. That the Clerk of the Legislature send copies of this resolution to the President of the United States, the Nebraska Congressional delegation, the Speaker of the United States House of Representatives, and the President of the United States Senate.

Laid over.

REPORTS

Received from the State Risk Manager list of officers and employees who are bonded and the amount of each bond pursuant to Section 11-203.

Received Twelfth Annual Report of the Nebraska Public Counsel (The Ombudsman).

MOTION - Approve Appointment

Mr. Schmit moved the adoption of the report of the Public Works Committee for the following Governor appointment found in the Journal on page 1633: Robert J. Stutzman, Lincoln - Board of Public Roads Classifications and Standards.

Voting in the affirmative, 31:

Abboud Beyer Carsten Chronister Clark

Eret	Fenger	Goll	Goodrich	Hannibal
Higgins	Hoagland	Johnson, L.	Kahle	Lamb
Landis	Lundy	Marsh	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Remmers
Rupp	Schmit	Sieck	Wagner	Warner
Withem				

Voting in the negative, 0.

Present and not voting, 11:

Barrett	Beutler	DeCamp	Fowler	Haberman
Hefner	Jacobson	Johnson, R.	Labedz	Vickers
Von Minden				

Excused and not voting, 7:

Chambers	Cullan	Johnson, V.	Kilgarin	Pirsch
Wesely	Wiitala			

The appointment was confirmed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 304.

A BILL FOR AN ACT relating to municipalities and villages; to amend sections 17-568 and 17-802, Reissue Revised Statutes of Nebraska, 1943, and sections 16-321, 16-691, and 17-568.01, Revised Statutes Supplement, 1982; to change limits below which a board of public works may act without approval of city council; to change provisions relating to bidding procedure; to change duties of cities and villages; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Barrett	Beyer	Chambers	Chronister	Eret
Fenger	Fowler	Goll	Goodrich	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.

Johnson, R.	Johnson, V.	Kahle	Labedz	Lamb
Landis	Lundy	Marsh	Newell	Nichol
Pappas	Peterson, R.	Pirsch	Remmers	Rupp
Sieck	Vickers	Von Minden	Wagner	Wiitala
Withem				

Voting in the negative, 10:

Abboud	Beutler	Carsten	Clark	DeCamp
Haberman	Morehead	H. Peterson	Schmit	Warner

Excused and not voting, 3:

Cullan	Kilgarin	Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 505. With Emergency.

A BILL FOR AN ACT to amend section 2-3311, Reissue Revised Statutes of Nebraska, 1943, sections 2-2309, 2-2311, 2-3622, and 2-3623, Revised Statutes Supplement, 1982, section 2-3316, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 181, Eighty-eighth Legislature, First Session, 1983, section 2-4011, Revised Statutes Supplement, 1982, as amended by section 1, Legislative Bill 535, Eighty-eighth Legislature, First Session, 1983, and section 2-4012, Revised Statutes Supplement, 1982, as amended by section 2, Legislative Bill 535, Eighty-eighth Legislature, First Session, 1983, relating to agriculture; to provide powers for certain commodity boards as prescribed; to change provisions relating to the fee or excise tax on such commodities; 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:

Abboud	Barrett	Beyer	Carsten	Chronister
DeCamp	Eret	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.

Peterson, R.	Remmers	Rupp	Schmit	Sieck
Von Minden	Wagner	Wiitala	Withem	

Voting in the negative, 8:

Beutler	Chambers	Clark	Cullan	Fenger
Pirsch	Vickers	Warner		

Excused and not voting, 2:

Kilgarin 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.

LEGISLATIVE BILL 533.

A BILL FOR AN ACT relating to the veterinarian college; to amend sections 85-180.03, 85-180.04, and 85-180.05, Reissue Revised Statutes of Nebraska, 1943, and Laws 1981, LB 245A, section 7; to change provisions relating to funding as prescribed; to change conditions relating to the construction of such college as prescribed; to provide a termination date; to eliminate a termination date; and to repeal the original sections, and also sections 85-180.06 and 85-180.11, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Barrett	Beutler	Carsten	Chronister	Clark
Cullan	DeCamp	Eret	Fowler	Goll
Goodrich	Haberman	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Kahle	Kilgarin
Labedz	Lamb	Lundy	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Remmers	Rupp
Schmit	Sieck	Von Minden	Wagner	Withem

Voting in the negative, 14:

Abboud	Beyer	Chambers	Fenger	Hannibal
Johnson, V.	Landis	Marsh	Morehead	Pirsch
Vickers	Warner	Wesely	Wiitala	

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 565.

A BILL FOR AN ACT to amend section 84-712.05, Reissue Revised Statutes of Nebraska, 1943, relating to public records; to authorize the withholding of certain records 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:

Beyer	Carsten	Chambers	Chronister	Clark
DeCamp	Eret	Fenger	Goll	Goodrich
Haberman	Hefner	Higgins	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	Newell
Pappas	Peterson, H.	Peterson, R.	Remmers	Schmit
Sieck	Vickers	Von Minden	Wagner	Wiitala
Withem				

Voting in the negative, 13:

Abboud	Barrett	Beutler	Cullan	Fowler
Hannibal	Hoagland	Morehead	Nichol	Pirsch
Rupp	Warner	Wesely		

Not voting: 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 620. With Emergency.

A BILL FOR AN ACT to amend Laws 1969, LB 1389, section 2, relating to public lands; to change a provision relating to the use of certain land; 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 0.

Present and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 624. With Emergency.

A BILL FOR AN ACT relating to schools; to provide intent; to provide for certain tax assessments; to exclude certain items from budget limitations; to provide duties for school boards; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Barrett	Beutler	Beyer	Carsten	Chambers
Chronister	DeCamp	Eret	Fowler	Goll
Goodrich	Haberman	Hannibal	Hefner	Higgins
Hoagland	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Sieck	Vickers	Wagner	Warner

Wesely Wiitala Withem

Voting in the negative, 6:

Abboud Clark Cullan Fenger Jacobson
Von Minden

Not voting: 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 142 to Select File

Mr. DeCamp moved to return LB 142 to Select File for his specific amendment, AM1203, found in the Journal on page 1614.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Labedz 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 DeCamp motion to return prevailed with 26 ayes, 19 nays, 3 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 142. The DeCamp specific amendment, AM1203, found in the Journal on page 1614 was considered.

Mr. Hannibal moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 25 nays, and 7 not voting.

Mr. Hannibal moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 2 nays, and 16 not voting.

Mr. Chambers requested a record vote on the DeCamp amendment.

Voting in the affirmative, 26:

Abboud Beutler Chambers Clark Cullan

DeCamp	Fowler	Hannibal	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Labedz	Lamb	Lundy	Newell
Nichol	Pappas	Peterson, R.	Schmit	Wesely
Withem				

Voting in the negative, 20:

Barrett	Beyer	Carsten	Chronister	Fenger
Goll	Goodrich	Kilgarin	Landis	Marsh
Morehead	Peterson, H.	Pirsch	Remmers	Rupp
Sieck	Vickers	Wagner	Warner	Wiitala

Present and not voting, 2:

Eret Von Minden

Excused and not voting, 1:

Haberman

The DeCamp amendment was adopted with 26 ayes, 20 nays, 2 present and not voting, and 1 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 424.

Correctly Engrossed

The following bills were correctly engrossed: 265, 267, 271, 410, and 610.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 410

The following changes, required to be reported for publication in the Journal, have been made:
ER0080
1. In the E & R amendments adopted on 4/15, on page 1, line 9, ",

insert an underscored comma;" has been inserted after " 'remodeling' ".

Enrollment and Review Change to LB 610

The following changes, required to be reported for publication in the Journal, have been made:
ER0071

1. In the E & R amendment, lines 2 and 14, "and section 81-814.01, Reissue Revised Statutes of Nebraska, 1943," has been inserted before "as".

(Signed) Tristi J. Wilson
E & R Attorney

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 304, 505, 533, 565, 620, and 624.

MOTION - Escort Governor

Mr. Landis moved that a committee of 5 be appointed to escort the Governor.

The motion prevailed.

The Chair appointed Miss Kilgarin, Messrs. Wagner, R. Peterson, Withem, and Hannibal to serve on said committee.

The committee returned and escorted Governor Robert Kerrey to the Rostrum where he delivered the following message:

Mr. Speaker, Members of the Unicameral, as I pondered and considered how to present the state's current financial condition something about the event had a ring of familiarity. When Tax Commissioner Karnes gave me the news that despite the sharp increase of gross revenues in January, February and March, the Seventy Day Report to the Unicameral would still show $20 million less available in 1983-84 for expenditures than we had originally predicted; when Commissioner Karnes gave me this news the feeling I had reminded me of a similiar feeling I had fourteen years ago.

I was in charge of a joint command patrol - (STORY) - and though I feel like I've doubled back on myself with this budget, we are still in control; we know what has to be done.

First of all let me say that in the aftermath of yesterday's historic passage of LB 169, the leadership of both political parties made some very direct remarks about this body being highly partisan. And though political parties are important and though I was warned that I would see partisan politics dominate this legislative body, what I have seen in my first 100 days as your Governor is quite different. I have seen 49 independent thinking Nebraskans struggling to make decisions based upon what you believe is best for Nebraska. And while we do not always agree, I commend you for your service.

Let me begin today with a careful review of this state's revenue situation. On February 1st, I came before you with my budget proposal and promised to return this month with any necessary additional proposals. Our current revenue picture demands such proposals. We literally cannot afford to shirk the responsibility for enacting these proposals. First, we cannot shirk it because there are specific things that we ask of our state government.

We want prisons. We want a University. We want community-based mental retardation and alcoholism programs. We want our regional centers. We want departments of state government which enhance the quality of life in Nebraska. And, if we want all of these things we must fund them. It is true that we are spending a great deal of money. But it is also true that we spend with justification and the certitude that legitimate demands on state government must be met.

Second, we cannot shirk the responsibility because, to be perfectly candid, this state is broke. One year ago, $810 million dollars were committed for the 1983-84 budget; at the start of this fiscal year, we were experiencing a General Fund deficit of $16 million. Contrary to some very optimistic hopes, we have not grown out of the problem. At present, we are witnessing committed obligations which far exceed any reasonable revenue expectations. Quite simply, we are not generating July 1 or today revenue sufficient to pay our bills. Furthermore, the funds to do so will not appear as if by magic. It is incumbent upon us to make the difficult decisions required to restore solvency and stability to this state government.

If the foregoing generalities are not adequately compelling, let me delineate the revenue situation with exactitude. The revenue figures I am providing are to fulfill Nebraska's Day 70 projection requirement. You will find a thorough discussion of our revenue picture in your briefing book. I might add that this is one of the most extensive analyses of this state's revenue picture ever compiled. I think the staffs of Donna Karnes and Jack Sexton are to be commended for their efforts.

These figures represent the finest professional judgements available. There is no reason to believe that revenue has been underestimated. There is danger in underestimation. While it may be politically prudent to overestimate revenue and "hope for the best",

that too is dangerous. It is truly prudent to remain realistic.

The assumptions on which these projections are based indicate the Nebraska economy will show zero real growth for the remainder of 1983 and slow growth for 1984. Although current hopes are high for a strong economic recovery, they are primarily based on promising January economic statistics which were offset by disappointing February figures. The Nebraska Department of Revenue expects the real growth in the national economy to average 1.5% on a yearly basis for 1983 and 3.0% for 1984 on a yearly basis. The real growth rates for the Nebraska economy will be lower due to its traditional recovery lag. Inflation is projected to be 4.0% for 1983 and 4.7% for 1984. The assumption for unemployment in Nebraska will be 6.2%.

The payment-in-kind program (PIK) is projected to increase net farm income by 3.0 to 10.0% for 1983. This rise will come from an increase in savings on production expenses rather than an increase in cash receipts. The expected effect of PIK on unemployment in agriculturally related businesses is a 2.0 to 3.0% increase.

Although actual tax receipt figures have shown growth above previous projections, and are considered in these new figures, they are largely offset by increased refund projections. The new, much higher, refund figures are due to adjustments resulting from stronger consideration of the impact of several factors, such as last year's delaying of refunds, the purchase of IRA's by many taxpayers just prior to filing income tax returns, the marital tax rate adjustment, unemployment and the impending impact of the changes in taxability of income from government securities.

Specifically, January estimates projected a net revenue total of $771.2 million for FY 1983 and $757.8 million in FY 1984. More recent information has necessitated a revision in those figures, placing the net totals at $757.5 million and $754.7 million for FY 1983 and FY 1984, respectively. After adjustments for estimated lapses, deficiencies, and a 3% reserve, the total funds available for expenditure in FY 1984 amount to $727.3 million.

The implications are clear. Based on these projections and adjustments, revenues will be $21.6 million less than the amount needed to support my original FY 1984 budget recommendations of $748.9 million. Given the current status of the appropriations bill, the gap becomes greater.

The budget as it currently stands amounts to $752.5 million, even after the amendment to cut the university's budget by $6 million. In addition, $1.3 million must be made available for the Medicaid deficit, as well as $4.5 million for the increased costs of state employee health insurance. These additions bring the total appropriation figure to $758.4 million, $31 million more than available revenues.

It should be obvious that the fiscal crisis is no longer an impending

one. It has arrived. And with it has arrived the absolute necessity to make and stand behind some tough decisions. The proposals I bring to you now are grounded in the disconcerting knowledge that the state is broke, and in the firm conviction that prompt, decisive action can and will address the problem.

I also make the following critical judgement: Businesses and individuals are still making difficult and sometimes painful reductions in their expenditures. Although we appear to be in recovery, this government must be as careful with its expenditures as the citizens for whom this government is created. Accordingly it is my opinion that we should not spend $758 million. It is my opinion that we should not spend the original $748 million I recommended. It is my strong opinion that we should reduce spending even further. And it is my strong opinion these reductions will not reduce the quality of this government.

With this in mind, I propose the following measures:

First, upon advise of business leaders, who operate businesses of this size, I am proposing a separate cash reserve fund must be created to provide for the cash flow requirements of the State and to preclude the need for future interfund borrowing. As you can see from the chart on page B8 of your briefing book, at present there is no cash reserve.

I suggest the amount of this reserve be set to eliminate the need for Interfund borrowing after June 30, 1984. This fund is to be created by the amendment to LB 59 which creates a special reserve funded by the institution of a 1/2% sales and use tax for a nine month period beginning July 1, 1983. I ask that you lay partisan considerations aside and pass this measure with the emergency clause.

Your failure to do so could further jeopardize this state's fiscal situation. Last year, because of the investigation of bid rigging within the state, highway projects were postponed. This permitted a large balance in the Highway Trust Fund which provided a pool for interfund borrowing. This pool is no longer there. In June and July of this year, the Department of Administrative Services estimates that cash funds available for interfund transfers will fall dangerously close to being inadequate for General Fund borrowing needs, as shown on page B27.

Second, interfund borrowing authority must be extended through July 1, 1984, if we are to meet our obligations for next year. The present aid payment schedule must also be retained.

Third, the Income Tax Rate for FY 1984 must be set at 20%. You will note that this is a renewed request for implementation of this Unicameral's Plan, formulated during the November, 1982 Special Session.

Fourth, I suggest the following budget cuts:

1. Reduction of the deficit bill by $69,566.
2. Adoption of a number of my original budget proposals that have been rejected by the Legislature. These include Drivers Education

Aid, the Scottsbluff Vet Home addition and the Legislative Council, for a total reduction of $3,112,332.

3. Reductions to the Capital Construction projects proposed by the Appropriations Committee in the amount of $1,913,524. My proposal would however make $275,000 available for the planning stage of the Vet College.

4. Reduction of the specific committee additions over my recommendation in the amount of $610,666.

5. Reduction of state operations expenditures by $13,592,233. This involves eliminating the salary increase for state employees and the operations increased for FY 83/84. A corresponding reduction is also made in the Tech Colleges budget. This area is one of the most difficult and risky areas to recommend cuts. State government works because state employees work. The people who are staffing our prisons, providing mental health services, educating our children, providing health and welfare services, designing and building our roads, meeting our judicial and legal needs are working, and working hard for us. We need good people in State Government and we are fortunate to have them. We must keep in mind the conscientious and dedicated work these employees perform and we should not expect them to shoulder all of the burden of restoring our state finances to a solvent position. They are willing to do their share as long as others sacrifice as well. Yet hard choices must be made if we are to provide an increase to these employees. After a review of options it is clear to me that we cannot fund this increase by simply adding even further tax increases. Such an increase must be funded through reductions in other programs. It is for that reason that I have concluded that we could fund a salary increase of 3%, contingent upon legislative enactment of the concept contained in LB 577 - that is, to fund our State Patrol road operations from Highway Cash Funds rather than the General Fund. I would urge the Appropriations Committee to revive and advance this concept which was sponsored this year by thirteen legislators. Enactment of this proposal still allows for a 8% increase in support for highway programs. This provides us substantial funds to achieve our highway goals. Enactment of such a funding shift can be short term and reversed when our state General Fund is restored to health.

So we've reduced the budget $19,298,321. These reductions spare many necessary programs and services. We do not, as some have proposed, cut below the aid levels established for cities, counties, and schools in LB 1 of the Special Session.

We continue to provide an additional $6 million for special education. Our commitment to economic development is maintained. The new correctional facility in Omaha will open to relieve the

overcrowding in our prisons. The additional $400,000 for soil conservation in my budget is left intact. The demands on our public assistance programs are being met. These are all priorities that I believe must be met.

In addition, I have identified two new revenue measures to generate approximately $6.8 million. These measures are LB 571, which selectively decreases the sales tax collection fee, and LB 17, which provides a sales tax on computer software. These measures could potentially generate $5.3 million and $1.5 million in revenue, respectively.

Further adjustments require using my original cash lapse figure and keeping $1.4 million in parimutuel monies in the General Fund rather than going to the Fair Board.

Finally, I think it is critical that we take two specific actions with regard to Medicaid. First, you will recall that in my February First budget address I called for formation of a special task force to "develop a funding plan for LB 522 (State assumption of County Welfare) other than raising sales and income tax rates."

At the time I indicated that if a responsible funding plan could not be developed by March 15 of this year, I would seek repeal of LB 522. While the task force, under the very able leadership of our new Director of Public Institutions, Ron Jensen, and whose membership included representatives from state government, the general public, county government, and the Legislature, did report by my March 15 deadline, I am very disappointed by the fact that a legislative compromise could not be reached based upon the alternatives outlined by the Task Force. In February I stated that "it is impossible to fund state assumption of county welfare in the 1983-84 budget year" - that statement is even more true today. I am now calling for the repeal of LB 522 and recommend that it be accomplished by amending legislation that is currently before the Legislature.

Second, concern has grown over the escalating cost of the Medicaid program. In 1978-79, for example, the cost was $93 million; the cost for 1982-83 is $150 million - representing a 61% increase. This $150 million is also $11.7 million, or 8.4% more that the 1982 Legislature intended to be spent for this program.

The 1982 Legislature was already sufficiently concerned with this phenomenon that it acted to cap the increase in payments to individual health care providers at 3.75%, and you now are considering the continuance of that limitation in LB 618.

The 1982 Legislature further required the Department of Social Services to reduce payments when Medicaid expenditures are being made at a rate that would exceed legislative appropriations.

However, U.S. District Court Judge Warren Urbom has enjoined the Department of Social Services from implementing this state law,

which is cause for the Medicaid deficit appropriation I am requesting. Continuation of the 3.75% cap is also being challenged in the U.S. District Court.

Because of these escalating Medicaid costs and despite the challenges being presented by health care providers to changes in the Medicaid program, we must now go further. If we are to adequately control Medicaid costs and still provide for the needs of our poor and elderly citizens's, this Legislature must grant the Department of Social Services the control over the scope of optional services to be offered. This is not a carte blanche for the Director of Social Services. Mechanisms for public input in the decision making process exist and must be followed under existing state law.

It is not lost on me that a great deal of concern and even stronger lobbying has to be dealt with when considering changes to the scope of services for which nursing homes, doctors, hospitals, pharmacists and other medical practitioners are to be reimbursed for under the government-financed medicaid program. The health care industry has tremendous power.

The practitioners can come over and lobby, and lobby hard for increased optional services. All you have to do is look back four years. Unless some action is taken, in two years we will be at a point where we will be spending more on medicaid care than on post secondary education. Prudent reductions in optional services can, and must, be addressed. I have chosen a very capable administrator in Gina Dunning as Director of the Department of Social Services, and she has already demonstrated the willingness to make the tough decisions that bringing this Medicaid program under control will require.

I would urge you to grant her further discretion, understanding that all changes require administrative hearings and an opportunity for legislative review. The Department is capable, and willing to make recommendations on services. We have dedicated, professional people in this department. We should permit them to do the job that they were hired to do. I would also recommend that you favorably consider amendments offered on LB 618 by Senator Warner that outline initiatives that will be pursued by the Director of Social Services as the Medicaid program undergoes extensive review. If we do not act, and act decisively now, the budget deficit will be 10 to 11 million dollars bigger in 1983-84 than it is now.

As I told you in February, the budget process is not one of facile answers, easy maneuvers, or evasions. Instead, it is a process of learning, searching, and realistically evaluating. That statement is no less true today than it was two months ago. As the foregoing proposals were being developed, I considered and rejected a number of options. These included deeper cuts in state operations and personal services as well as a request that a portion of Health and Accident Insurance costs

be borne by state employees.

I rejected such options, fearful that they were inequitable or that they might undermine the quality of state government.

Thus, after much consideration, I present you today with a revised budget of $739 million and a package of proposals to meet that amount. It is, I believe, an optimal mix of reductions and revenue raisers.

It is a proposal which allows us to bridge the gap between obligations and revenues. It is not a false solution based upon manipulated figures. It is not an attempt at unfair, across-the-board cuts. It is not a deferral which could trigger an automatic special session of this body.

Not since the Great Depression have the executive and legislative branches of this government faced such a grim fiscal picture. My predecessor had a $70 million reserve on the first day of his first fiscal year. His predecessor had a $60 million reserve. On the first day of my first full fiscal year we will be $6 - 7 million in debt. Never before has the need for courage, candor, and cooperation devoid of partisanship been greater. I implore you to recognize this.

To serve the legitimate needs of Nebraska requires the expenditure and investment of our tax dollars. Adoption of the proposals I have outlined today will allow us to do that job. Delays and temporary, stop-gap measures are certainly not the answer. We must face this fiscal crisis squarely and we must do so now - before irreparable damage is done to the state.

The proposals I have made today have not adversly affected our state's needs. It provides for commerce, economic development, a new prison, educational opportunities and a good strong solid government. But I must also advise that the projections I make today could be wrong. They could be on the short side. We could need to make additional changes as our economic picture changes. We can do this together. We all work for the same employer, the citizens of the state of Nebraska. It is our duty, our obligation, to lay aside partisan attitudes and policies, to discover and define the road that leads us out of the financial problems that confront us. We must, as I said upon assuming this office, either find a way or make one.

The committee escorted Governor Kerrey from the Chamber.

SELECT FILE

LEGISLATIVE BILL 142. Considered.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. MARSH 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. V. Johnson asked unanimous consent to withdraw his pending amendment, AM1102, found in the Journal on page 1454. No objections. So ordered.

Mr. Hoagland requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 28 ayes, 3 nays, 17 present and not voting, and 1 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 72.

Introduced by Von Minden, 17th District; Pirsch, 10th District; Hefner, 19th District; H. Peterson, 35th District; L. Johnson, 15th District; Haberman, 44th District; Jacobson, 33rd District; Clark, 47th District; Remmers, 1st District; DeCamp, 40th District; R. Peterson, 21st District; Pappas, 42nd District.

WHEREAS, the only possible means for ending the age of thermonuclear terror is the development of the beam-weapon technology to destroy nuclear missiles in midflight with more than 99 percent effectiveness, and

WHEREAS, the science and technology for such weapons system deployment exist as the established or early potential capacity of both superpowers, and

WHEREAS, crash effort to develop beam weapons would incur no net cost to the U.S. economy since the civilian by-products would stimulate a higher technology economic boom, and

WHEREAS, the weakening of the West through the present world depression combined with regional conventional warfare in the developing sector makes thermonuclear war an increasing possibility in the immediate years ahead, and

WHEREAS, a commitment to such development mandates the direction of medium-to-long term credit for rapid technological progress of U.S. agriculture and other goods-producing and transportation industries, in an increasingly energy-intensive mode, thereby providing employment for millions of unemployed U.S. workers and providing the basis for world economic recovery.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION, that this body, motivated by the best interests of the

population for which it is responsible, hereby calls upon the Congress of the United States to:

1. Relaunch the NASA program on an expanded scale, including the Mars Landing program, the manned space lab, and an accelerated space shuttle program as the necessary elements of the capability to launch a space-based anti-ballistic missile system;

2. Double the thermonuclear fusion research appropriation, now at under half a billion dollars per year, to ensure the broad-based fusion program necessary to lay the scientific foundation for developing directed particle-beam systems. The goal established in the McCormack bill passed by Congress in 1980 for an operative fusion test reactor by 1990, and a commercial reactor by 2000 must be reached.

3. Immediately accelerate the high-energy laser program, with the goal of achieving a defense capability against a small number of ICBMs within the next five years;

4. Immediately accelerate the short-wavelength laser and particle-beam program, with the goal of determining the optimum research and development path for immediate and succeeding generations of beam weapons designed to provide complete protection against nuclear war by the middle of the next decade;

5. Encourage from the federal level the shifts in the area of educational policy which will be necessary to create a whole generation capable of carrying out the tasks of a fusion-based economy.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 326 in the Journal. No objections. So ordered.

AM1170

(Amendments to Final Reading Copy)

1. On page 2, line 8, strike "and date of birth"; and in line 9 after "requested" insert "and, when the name alone is insufficient to identify the correct record, the department may request additional identifying information".

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 470 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - AM0877.)

GENERAL FILE

LEGISLATIVE BILL 621. Title read. Considered.

Standing Committee amendments, AM0838, found in the Journal on page 1073 for the Forty-Ninth Day were adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 408. Title read. Considered.

Standing Committee amendment, AM0599, found in the Journal on page 823 for the Fortieth Day was considered.

Mr. Warner moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Standing Committee amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Mr. Warner offered the following amendment:
Add the "E" clause

The amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Mr. Warner offered the following amendment:
AM1236

1. Insert new sections as follows:

"Sec. 2. The Department of Public Institutions is authorized by the Legislature to convey to the Department of Roads the following described real estate:

(1) A tract of land located in lot 207 of irregular tracts in the southwest quarter of section 34, township 10 north, range 6 east of the sixth principal meridian, Lancaster County, Nebraska, described as follows: Beginning at the northwest corner of said lot; thence easterly a distance of one thousand eight hundred sixty and sixty-five hundredths feet along the north line of said lot; thence southwesterly deflecting one hundred thirty-one degrees, six minutes, twenty-three seconds right, a distance of two thousand eight hundred

seventy-eight and fifty-eight hundredths feet along the northwesterly Burlington Northern Railroad Company right-of-way line; thence northerly deflecting one hundred thirty-eight degrees, fifty-six minutes, thirty-eight seconds right, a distance of three hundred twenty-four and five-tenths feet along the west lines of said lot; thence easterly deflecting eighty-eight degrees, twenty-eight minutes, fifty-nine seconds right, a distance of one hundred sixty-seven and sixty-eight hundredths feet; thence northerly deflecting eighty-eight degrees, thirty-nine minutes, two seconds left, a distance of two hundred thirty-two and seventy-nine hundredths feet; thence westerly deflecting ninety-one degrees, thirty-three minutes, fifty-seven seconds left, a distance of one hundred sixty-seven and two hundredths feet; thence northerly deflecting ninety-one degrees, forty-four minutes, one second right, a distance of one hundred eight and seventy-eight hundredths feet along the west line of said lot; thence easterly deflecting ninety degrees, zero minutes, zero seconds right, a distance of thirty and zero hundredths feet along the north line of said lot; thence northerly deflecting ninety degrees, zero minutes, zero seconds left, a distance of one thousand five hundred three and fifty-five hundredths feet along the west line of said lot to the point of beginning containing forty-five and fourteen hundredths acres, more or less; and

(2) A tract of land located in lot 14 of irregular tracts in the southwest quarter of section 34, township 10 north, range 6 east of the sixth principal meridian, Lancaster County, Nebraska, described as follows: Beginning at the southeast corner of said lot; thence westerly a distance of two thousand four hundred eighty-five and forty-seven hundredths feet along the south line of said lot; thence northerly deflecting eighty-nine degrees, seventeen minutes, forty-five seconds right, a distance of sixty-two and eight-tenths feet along the easterly Burlington Northern Railroad Company right-of-way line; thence northerly on a six hundred sixty-six and twenty-one hundredths foot radius curve to the right, deflection to the initial tangent being zero degrees, zero minutes, zero seconds a distance of two hundred twenty-six and eleven hundredths feet, subtending a central angle of nineteen degrees, twenty-six minutes forty-seven seconds along said

right-of-way line; thence northeasterly deflecting twenty-two degrees, twenty minutes, twenty-two seconds right, a distance of three thousand forty-seven and one one hundredths feet along the southeasterly Burlington Northern Railroad Company right-of-way line; thence easterly deflecting forty-eight degrees, fifty-three minutes, thirty-seven seconds right, a distance of four hundred forty-nine and twenty-six hundredths feet along the north line of said lot; thence southerly deflecting ninety degrees, two minutes, sixteen seconds right, a distance of two thousand five hundred eighty-one and ninety-nine hundredths feet along the east line of said lot to the point of beginning containing ninety-two and sixty-seven hundredths acres, more or less.

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. On page 6, line 11, strike "section 1" and insert "sections 1 and 2".

3. Renumber remaining sections accordingly.

The amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Messrs. Carsten and Barrett asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 626. Title read. Considered.

Standing Committee amendments, AM1131, found in the Journal on page 1548 for the Sixty-Sixth Day were considered.

Mr. Newell offered the following amendment to the Standing Committee amendments:

AM1196

(Amendments to the Standing Committee amendments)

1. On page 1, strike beginning with "beginning" in line 3 through "through" in line 4; in line 5 before "manufacturing" insert "All areas of the state,"; and strike beginning with "strike" in line 6 through "12" in line 7 and insert "line 5 strike 'and';

in line 6 strike 'Commercial or business' and insert 'All areas of the state, commercial or service', and after 'if' insert '(i)'; in line 7 after 'construction' insert ', acquisition,'; strike line 8 and insert 'including hotels'; in line 11 after the comma insert 'and'; and in line 12 strike ', and office buildings' and insert 'and (ii) such facilities do not or will not derive a significant portion of their gross receipts from retail sales or utilize a significant portion of their total area for retail sales; and

(c) In blighted or substandard areas of the state as defined in section 18-2103, commercial, service, and business enterprises if such facilities constitute new construction, acquisition, or rehabilitation, including, but not limited to, those enterprises specified in subdivision (3)(b) of this section, office buildings, and retail businesses' ".

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT MCGINLEY PRESIDING

Mr. Beutler requested a division of the question on the Newell amendment.

The Chair sustained the division of the question.

The first Newell amendment is as follows:

(Amendments to the Standing Committee amendments)

1. On page 1, strike beginning with "beginning" in line 3 through "through" in line 4; in line 5 before "manufacturing" insert "All areas of the state,"; and strike beginning with "strike" in line 6 through "12" in line 7 and insert "line 5 strike 'and'; in line 6 strike 'Commercial or business' and insert 'All areas of the state, commercial or service', and after 'if' insert '(i)'; in line 7 after 'construction' insert ', acquisition,'; strike line 8 and insert 'including hotels'; in line 11 after the comma insert 'and'; and in line 12 strike ', and office buildings' and insert 'and (ii) such facilities do not or will not derive a significant portion of their gross receipts from retail sales or utilize a significant portion of their total area for retail sales; and

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

The first Newell amendment to the Standing Committee amendment was adopted with 13 ayes, 7 nays, 24 present and not voting, and 5 excused and not voting.

The second Newell amendment is as follows:

(c) In blighted or substandard areas of the state as defined in section 18-2103, commercial, service, and business enterprises if such facilities constitute new construction, acquisition, or rehabilitation, including, but not limited to, those enterprises specified in subdivision (3)(b) of this section, office buildings, and retail businesses'".

Messrs. Clark and Schmit asked unanimous consent to be excused. No objections. So ordered.

Mrs. Higgins 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 second Newell amendment to the Standing Committee amendments was adopted with 19 ayes, 14 nays, 11 present and not voting, and 5 excused and not voting.

Mr. Pappas asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment to the second Newell amendment.

In line 16, strike "or", insert "and"

Mrs. Higgins and Mr. H. Peterson asked unanimous consent to be excused. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 410 in the Journal. No objections. So ordered.

In the Standing Committee amendments, on page 5, line 5, before "(3)" insert "and"; and strike beginning with the semicolon in line 8

through "dollars" in line 11.

Messrs. Hoagland, Lamb, H. Peterson, and Beutler asked unanimous consent to print the following amendment to LB 336 in the Journal. No objections. So ordered.

AM1229

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 28-1101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1101. As used in this article, unless the context otherwise requires:

(1) A person advances gambling activity if, acting other than as a player, he or she engages in conduct that materially aids any form of gambling activity. Conduct of this nature includes but shall not be limited to conduct directed toward (a) the creation or establishment of the particular game, contest, scheme, device, or activity involved or (b) the acquisition or maintenance of premises, paraphernalia, equipment, or apparatus therefor;

(2) Bookmaking shall mean advancing gambling activity by unlawfully accepting bets from members of the public as a business, upon the outcome of future contingent events;

(3) A person profits from gambling activity if, other than as a player, he or she accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in the proceeds of gambling activity;

(4) A person engages in gambling if he or she bets something of value upon the outcome of a future event, which outcome is determined by an element of chance, or upon the outcome of a game, contest, or election, but a person does not engage in gambling by:

(a) Entering into a lawful business transaction;

(b) Playing an amusement device or a coin-operated mechanical game which confers as a prize an immediate, unrecorded right of replay not exchangeable for something of value;

(c) Conducting or participating in a prize

contest; or

(d) Conducting or participating in a contest, lottery, raffle, or gift enterprise conducted in accordance with the provisions of sections 28-1113 to 28-1116;

(5) Gambling device shall mean any device, machine, paraphernalia, writing, paper, instrument, article, or equipment that is used or usable for engaging in gambling, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine. Lottery tickets and other items used in the playing phases of schemes defined in sections 28-1113 to 28-1116~~,~~ are not gambling devices within this definition;

(6) Lottery shall mean a gambling scheme in which (a) the players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other medium printed on a disposable ticket, board, or card, one or more of which chances are to be designated the winning ones, (b) the winning chances are to be determined by a drawing or by some other method based on an element of chance, and (c) the holders of the winning chances are to receive something of value. Lottery shall not include any gambling scheme which uses any mechanical or electronic video device;

(7) Something of value shall mean any money or property, any token, object, or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property or of any interest therein, or involving extension of a service or entertainment; and

(8) Prize contest shall mean any competition in which one or more competitors are awarded something of value as a consequence of winning or achieving a certain result in the competition, and (a) the value of such awards made to competitors participating in the contest or upon the amount of consideration, if any, paid for the opportunity to participate in the contest or upon chance and (b) the value or identity of such awards to be made to competitors is published before the competition begins.

Sec. 2. That section 28-1116, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1116. (1) Any county, city, or village may establish and conduct lotteries when the proceeds of such lotteries are used for community betterment purposes and the awarding of prizes to participants. No county, city, or village shall establish and conduct such a lottery until such course of action has been approved by a majority of the registered voters of such county, city, or village casting ballots on the issue at a regular election or a special election called for the purpose of considering such action.

(2) No city, village, or county shall conduct any lottery activity between the effective date of this act and August 15, 1985, in order that the Legislature may study and investigate the issue of lotteries. Any city, village, or county conducting a lottery prior to the effective date of this act or voting to conduct a lottery prior to the effective date of this act may continue to conduct such lottery.

Sec. 3. There is hereby imposed a tax of five per cent on the gross proceeds of any lottery conducted by a city, village, or county pursuant to section 28-1116. The governing body of the city, village, or county shall establish the procedures necessary to accurately determine the gross proceeds actually involved in the lottery activity so that the proper tax can be collected. Such tax shall be credited to the General Fund.

Sec. 4. That original sections 28-1101 and 28-1116, Reissue Revised Statutes of Nebraska, 1943, are repealed.

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.".

Mr. Hefner asked unanimous consent to print the following amendment to LB 524 in the Journal. No objections. So ordered.

AM1238

(Amendments to AM 1168)

1. In the Hefner-Vickers amendments found on page 1582 of the Journal, on page 3, line 2, after the second "ratio" insert ", expressed as a percentage,".

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 212. Placed on General File as amended.
Standing Committee amendment to LB 212:
AM1233
1. On page 2, line 11, before "receipts" insert "combined"; strike beginning with "from" in line 11 through "taxes" in line 12 and insert "as defined in section 77-3421"; and in line 14 after "year" insert "for which responsibility for funding is transferred to the state pursuant to Laws 1982, LB 522".

(Signed) Calvin Carsten, Chairperson

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.

AM0944
1. In the Standing Committee Amendments on page 543 of the Journal on page 2, line 3, strike "directs" and insert "authorizes".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 632. By Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT to amend sections 44-1620.01 and 44-1625, Revised Statutes Supplement, 1982, relating to the state insurance program; to change state contributions; to change powers of the Risk Manager; to change provisions relating to special benefits; to repeal the original sections; and to declare an emergency.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bill 632.

LB	Committee
632	Appropriations

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

NOTICE OF COMMITTEE HEARING
Appropriations

LB 632 Thursday, April 28, 1983 7:00 p.m.

(Signed) Jerome Warner, Chairperson

VISITORS

Visitors to the Chamber were former Senator Merz from Falls City; 42 fourth grade students and teachers from Seymour Maywood School, Ralston; 40 fourth grade students and teachers from Bennington; 32 fourth grade students and teachers from Tri-County, DeWitt; 28 fourth grade students and teacher from Shelby Elementary, Shelby; Mr. and Mrs. Lou Ninegar from Kearney; 16 fourth grade students and teacher from Emanuel Lutheran, York; 53 fourth grade students and teachers from Crestridge Elementary, Omaha; 5 eighth grade students, teacher, and sponsors from Christ Lutheran School, Columbus; and 13 juniors and seniors, and teacher from Waverly.

ADJOURNMENT

At 12:13 p.m., on a motion by Mrs. Pirsch, the Legislature adjourned until 10:00 a.m., Monday, April 25, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTIETH DAY - APRIL 25, 1983

LEGISLATIVE JOURNAL

SEVENTIETH DAY - APRIL 25, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

SEVENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 25, 1983

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Nichol presiding.

PRAYER

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

ROLL CALL

The roll was called and all members were present except Mesdames Higgins, Labedz, Pirsch, Messrs. Cullan, Fowler, Haberman, Hoagland, V. Johnson, Landis, Newell, Pappas, Remmers, Rupp, Sieck, Warner, and Withem who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Ninth Day was approved.

REPORT

Received report from Equal Opportunity Commission pursuant to Section 48-1117.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 21, 1983, at 1:40 p.m., were the following bills: 304, 505, 533, 565, 620, and 624.

(Signed) Pamela Moravec, Enrolling Clerk

MESSAGE FROM THE GOVERNOR

April 22, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 194, 353, 397, 400, 415, 440, 461, 511, 541 and 587 were received in my office on April 18, 1983.

These bills were signed by me on April 22, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 632 in the Journal. No objections. So ordered.

Add the following new sections:

Section 3. There is hereby created the State Employee Salary Fund which shall be set apart and maintained by the State Treasurer. The State Employee Salary Fund shall only be used to provide salary increases for state employees effective January 1, 1984. Any money in the State Employee Salary Fund available for investment shall be invested by the state investment officer pursuant to section 72-1237 to 72-1269.

Section 4. (1) On July 15, 1983, the State Treasurer shall transfer from the General Fund to the State Employee's Salary Fund the amount that actual net General Fund receipts for the period July 1, 1982 to June 30, 1983 exceed $757,476,000.

(2) On October 15, 1983, the State Treasurer shall transfer from the General Fund to the State Employee's Salary Fund the amount that actual net General Fund receipts for the period July 1, 1983 to September 30, 1983 exceed $191,592,000.

(3) On January 15, 1984, the State Treasurer shall transfer from the General Fund to the State Employee's Salary Fund the amount that actual net General Fund receipts for the period October 1, 1983 to December 31, 1983 exceed $186,461,000.

(4) Such transfers shall not exceed a total of $7,841,568 during the period July 1, 1983 to January 30, 1984.

(5) If the amount of actual receipts is less than the amount specified in subsections 2 and 3 of this section, the State Treasurer shall transfer from the State Employee's Salary Fund to the General Fund the amount that actual net General Fund receipts are less than the amount specified.

Mr. Remmers asked unanimous consent to print the following amendment to LB 73 in the Journal. No objections. So ordered.

AM1164

(Amendments to Final Reading Copy)

1. On page 1, line 10, strike "an alternative" and insert "alternatives".

2. On page 11, lines 5 and 12; page 12, lines 1 and 23; page 13, lines 7, 12, 14, 17, and 27; and page 14, line 5, after "bond" insert ", continuous irrevocable letter of credit,".

3. On page 11, strike beginning with "and" in line 14 through "warehouse" in line 18.

4. On page 12, line 9, after "deposit" insert "or continuous irrevocable letter of credit"; and in line 10 after "bond" insert ", letter,".

ATTORNEY GENERAL'S OPINIONS

Opinion No. 85
April 18, 1983

Dear Senator V. Johnson:

You have asked for our opinion in regard to the following matter: "whether or not LB 285 requires county governments to reduce their expenditure budgets by the amount of dollars they are relieved from paying when the state takes over the former county medicaid function."

You ask this question because of LB 212, now pending, which will require counties to reduce their combined receipts budget base by an amount equal to the sum to be picked up by the state in welfare costs.

LB 285 was passed by the Eighty-Sixth Legislature, First Session 1979. It is now codified as Neb.Rev.Stat. §§77-3412 through 77-3430 (Reissue 1981). As you point out in your letter, during the 1982 legislative session, LB 522 was passed by the Legislature. That bill, which will become effective July 1, 1983, eliminates county responsibility for contribution to the medicaid costs for county inhabitants. At the current time counties are required to provide 14

percent of such costs by statute.

You indicate in your letter that certain county officials have told you that they interpret the political subdivision's Budget Limitation Act of 1979 to require counties to reduce its budget by an amount equal to the money it will no longer be required to pay by virtue of the provisions of LB 522. They point to the last sentence of Neb.Rev.Stat. §77-3426 (Reissue 1981) which provides:

> 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 the reduced receipts.

We do not believe that this provision is applicable to this sort of situation.

In interpreting statutes, several rules are applicable. Among those are that a statute is not to be read as if open to construction as a matter of course, Douglas County v. The Board of Regents of the University of Nebraska, 210 Neb. 573, 316 N.W.2d 62 (1982). In the absence of anything to indicate the contrary, words in statute must be given their ordinary meaning. Ragland v. Norris Public Power District, 208 Neb. 492, 304 N.W.2d 55 (1981). And, of course, statutes that are in parimateria are to be read together.

Receipts from local tax sources, receipts from state tax sources, and combined receipts are defined respectfully in Neb.Rev.Stat. §§77-3419, 77-3420, and 77-3421 (Reissue 1981). Respective local tax sources include funds received from taxes the governing body is authorized to levy. State tax sources are defined to include funds received, the original source of which is a tax or taxes imposed or levied by the State of Nebraska, and combined receipts include the total of funds received by political subdivision from local, state, and federal tax sources. Federal tax sources are defined in §77-3435 as funds received from the federal government for use for general and noncategorical purposes. The combined receipts base budget defined in Neb.Rev.Stat. §77-3422 is defined as

> [T]hat 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 percent above the anticipated combined receipts of the political subdivision for the prior fiscal year.

Neb.Rev.Stat. §§77-1601 and 77-1627 (Reissue 1981) provide the basis of taxing authority for counties for general welfare purposes. Section 77-1601 in part provides: "each county shall first levy a tax sufficient to enable the county board to provide medical, surgical, and hospital care for needy persons of the county." Section 77-1627

provides: "The county boards of the various counties in this case may, at their option, levy an annual tax of not to exceed three and five-tenths cents on each one hundred dollars upon the actual value of all taxable property in such county, except intangible property, for the relief of unemployed and indigent persons." And finally, §68-104 as amended by LB 522 and LB 602, Eighty-Seventh Legislature, Second Session 1982, now appearing in the 1982 Supplement, in part provides: "except that the county board of each county shall furnish such medical service as may be required for the poor of the county who are not eligible for other medical assistance programs.

As we are required to do in reading these statutes together, we believe the following conclusions apply:

1. The county continues to have authority to tax for welfare purposes.

2. Neither LB 602 nor LB 522 have in any way affected the county's authority to levy a tax or cause a tax to be levied for these purposes.

3. The funds for such purposes are funds derived from local tax sources.

In applying these conclusions to the statutory language existing in Neb.Rev.Stat. §77-3426 cited above, we believe that the Legislature has not caused the authority to levy a tax or cause a tax to be levied to be reduced by virtue of LB 602 or LB 522. It is thus, at least arguable that counties in calculating their 7 percent increase, could utilize the combined receipts base budget including the sums which were levied for purposes of paying the 14 percent portion required of counties prior to the effective date of LB 522, as a part of that calculation. The net effect of this authority would be to allow the counties to continue to raise the same number of dollars from local tax sources after the assumption by the state of these expenses as they had previously raised, but to apply those sums to other functions. The requirement of §77-3426 is a change in the authority to levy or cause a tax to be levied before a county must reduce its combined receipts base. That is not the case here since the ability to levy still exists. It is therefore our opinion that the Budget Limitation Act would not require the counties to reduce their expenditures by the amount of dollars they will be relieved from paying when the state takes over the medicaid function.

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

PTO:cw
cc: Patrick J. O'Donnell

Clerk of the Legislature

Opinion No. 86
April 19, 1983

Dear Senator DeCamp:

You have inquired as to the constitutionality of a portion of an amendment which you propose to offer which would amend the standing committee amendments to L.B. 120. The proposed amendment has two sections, the first dealing with that portion of L.B. 120 dealing with logo signs, and the second dealing with that portion of L.B. 120 which concerns itself with payment for advertising signs. You specifically ask about the constitutionality of the second part only, therefore, we make no comment at this time whether paragraph 1 of your amendment dealing with logo signs would be constitutional or unconstitutional.

The second portion of your amendment, deals with a definition of "just compensation" for specific kinds of signs. It amends paragraph 3 of the committee amendment, which paragraph deals with nonconforming signs erected between April 16, 1982, and the effective date of L.B. 120 as amended. Your proposed amendment would add that "just compensation" would include severance damage and damage to the remainder of the owner's business or property rights and interests. We interpret this language to be broader than that contained in Neb.Rev.Stat. §76-710.01 (Reissue 1981), which provides for severance damages. Section 76-710.01 limits severance damages to those caused by the severance of property from the whole of such property, in light of the operation of the property as a going concern after the taking. This provision is often referred to as the one providing damages for the economic effect upon the property. But it still does relate to property.

We believe that your language providing for severance damage and damage to the remainder of the owner's business or property rights and interests is much broader than that, since it can include matters other than tangible property. The value of a going business is often based on how good its management has been. Therefore, we believe that the definition in your amendment can be construed to entitle those whom it is designed to benefit to greater compensation that other condemnees who are not covered thereby.

For example, this amendment only applies to nonconforming signs erected between April 16, 1982, and the effective date of this act. But Neb.Rev.Stat. §39-1320.01 (Reissue 1978) which is affected by L.B. 120, also provides for acquisition of nonconforming signs erected prior to March 27, 1972, and signs erected after March 27, 1972, which become nonconforming after being erected. Your amendment,

therefore, gives a different and broader "just compensation" to certain owners of nonconforming signs, but not to others. This would appear to violate Neb. Const., art. III, §18, dealing with local and special laws. We are unable to see any basis for a classification which would grant an exclusive privilege, immunity or franchise to the one, but not the other. In State ex rel. Rogers v. Swanson, 192 Neb. 125, 219 N.W.2d 796 (1974), the court said at page 137:

> "The legislature may make a reasonable classification of persons, corporations, and property for purposes of legislation concerning them, but the classification must rest upon real differences of situation and circumstance surrounding the members of the class relative to the subject of legislation which render appropriate its enactment.
>
> The legislature may legislate in regard to class of persons, but it cannot take what may be termed a natural class of persons, split that class into, and then arbitrarily designate the dissevered fractions of the original unit as two classes and enact different rules for the government of each."

We are unable to perceive any distinction between the classes which this amendment would create and, therefore, believe that it would constitute local or special legislation.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Warren D. Lichty, Jr.
Assistant Attorney General

WDL/ta
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 87
April 20, 1983

Dear Senator Warner:

This is in response to your letter of March 31, 1983, in which you have set forth a hypothetical fact situation, and then asked a number of questions with reference to that hypothetical situation.

We note that the hypothetical, and questions asked with reference thereto, are in anticipation of your introducing an amendment to LB 373.

The fact situation, or hypothetical, which you have submitted for our consideration involves a petition being filed with the county court for a conservator which is to be appointed for person A, an adult. On the same day, a supplemental petition is filed by the same person,

seeking to have a guardian ad litem appointed for person A. The following day, the court appoints a guardian ad litem. The appointment of the guardian ad litem is made without a hearing and without serving a summons upon person A (the ward). The guardian ad litem then waives the notice of the conservatorship hearing for person A, and then, pursuant to hearing, the court appoints a conservator for person A. At no time has person A been personally served with any notice of the conservatorship appointment proceedings.

The first question you ask, with reference to the above hypothetical, is whether the court ever had jurisdiction, conferred under Neb.Rev.Stat. §30-2631 (Reissue 1979), to hear the original petition for appointment of a conservator.

You also ask whether the court made a valid appointment, within the facts of the hypothetical, of a guardian ad litem under Neb.Rev.Stat. §30-2636(b) (Reissue 1979).

After examining the statutes in question, with reference to the hypothetical you have posed, we conclude that the court did have jurisdiction to hear the original petition for appointment of a conservator, and the appointment of the guardian ad litem was valid.

The jurisdiction of the court to consider the appointment of a conservator for an adult would attach upon the filing of the petition seeking such appointment. Neb.Rev.Stat. §§30-2601, 30-2602 (Reissue 1979).

The court would be required to conduct a hearing, upon notice to all interested persons, before appointing a conservator or making any other protective order (Neb.Rev.Stat. §30-2630 (Reissue 1979); and the extent of the court's jurisdiction, after notice, would include complete continuing administration of the estate (Neb.Rev.Stat. §30-2631 (Reissue 1979).

Although there is a notice requirement prior to appointing a conservator, or making any other protective order, there would not appear to be any notice requirement prior to the appointment of a guardian ad litem.

Specifically, a guardian ad litem may be appointed under circumstances as set forth by Neb.Rev.Stat. §30-2636(b), which states, in part, that:

> Upon receipt of a petition for appointment of a conservator or other protective order for reasons other than minority, the court shall set a date for hearing. Unless the person to be protected has counsel of his own choice, the court may appoint a lawyer to represent him who then has the powers and duties of a guardian ad litem.

Section 30-2636(b), does not require notice prior to appointment of the guardian ad litem.

A guardian ad litem so appointed may then waive the notice which

would otherwise be required by §30-2634(b), so that a conservator for an adult could then be appointed pursuant to hearing, as provided by §30-2630(2).

You also ask whether §30-2634, "even allows a guardian ad litem to waive notice of a conservatorship hearing to an adult [because subsection (b)] . . . apparently sets out the requirements for notice to minors," rather than adults. (Emphasis added.)

Section 30-2634(b) provides, insofar as relevant here, that "[w]aiver of notice by the person alleged to be incapacitated is not effective unless he attends the hearing or his waiver of notice is confirmed in an interview with the visitor or such notice is waived by a guardian ad litem."

The language of the subsection is not expressly limited to waiver of notice to "minors". In fact, the sentence in question expressly provides for waiver of notice to persons "alleged to be incapacitated."

"Incapacitated person" is defined by Neb.Rev.Stat. §30-2601(1) to mean any person who may be the subject of a protective proceeding as the result of any cause set forth in that section, except minority.

Clearly, then, when read in light of §30-2601(1), §30-2634(b) would refer to a waiver by a guardian ad litem of notice to adults.

Finally, you ask whether §30-2634, allowing waiver of notice by a guardian ad litem, is constitutional.

It is the general rule of law, recognized in Nebraska, that notice to an attorney is notice to the attorney's clients. Marshall v. Rowe, 126 Neb. 817, 254 N.W. 480 (1934); Goergen v. Department of Public Works, 123 Neb. 648, 243 N.W. 886 (1932). And cases have generally recognized that an attorney's authority would include the right to waive any notice required to be served on the client (in this case, the ward). 7A C.J.S., Attorney and Client, §196, p. 323.

The law just stated, generally applicable to attorneys, is also applicable to the guardian ad litem appointed pursuant to §30-2636 because said guardian ad litem is required to be a lawyer and, under the rules just cited, acts on behalf of his client. (Neb.Rev.Stat. §30-2636(b) (Reissue 1979)).

Waiver of notice by a guardian ad litem appointed under §30-2636(b) would probably not be unconstitutional because said waiver would, under the general rule cited, be regarded as a waiver of notice by the ward. Of course, the final determination of whether the statute contravenes provisions of the Constitution is a judicial function. Davis v. General Motors, 176 Neb. 865, 127 N.W.2d 907 (1964).

In conclusion, under the hypothetical which you have posed, the court did have jurisdiction to hear the original petition for appointment of a conservator of an adult; the appointment of the guardian ad litem would be valid under §30-2636(b); §30-2634 would allow a guardian ad

litem to waive notice of a conservatorship hearing to an adult; and §30-2634 is probably constitutional.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Frank J. Hutfless
Assistant Attorney General

FJH:pjs
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 88
April 21, 1983

Dear Senator Beutler:

You have asked our opinion as to the constitutional validity of LB 599, which would undertake to regulate takeover bids. In our opinion, it violates the Commerce Clause of the United States Constitution, Article I, Section 8, giving Congress the power to regulate commerce among the several states, and it may be held to have been pre-empted by a federal act on the same subject.

We will not attempt to set forth in detail the provisions of LB 599, but it is an attempt to regulate so-called "takeover bids," by which an offeror attempts to acquire more than ten percent of the stock of a "target company," by making an offer to purchase such stock at a specified price. At the time of making such an offer the offeror is required to file with the Department of Banking and Finance and with the target company certain specified information.

Section 8 of the bill forbids a solicitation or recommendation to the stockholders to accept or reject a takeover bid unless, at the time such solicitation or recommendation is first published or sent to such stockholders, copies of such solicitation or recommendation have been filed with the department. Section 11 authorizes an injunction to prevent a violation of the act.

A target company is defined as a corporation whose equity securities are the subject of a takeover bid, and which has 35 or more shareholders residing in Nebraska. No other connection with Nebraska is required, and the bill would purport to prohibit transactions not involving Nebraska residents or corporations, and taking place wholly outside Nebraska.

Congress has undertaken to regulate takeover bids by the passage of the Williams Act, 15 U.S.C. §§78m(d)-(e) and 78n(d)-(f). We have not attempted to compare the provisions of LB 599 and those of the Williams Act, to see if there is an irreconcilable conflict, because there

appears to be a clear violation of the Commerce Clause. We will, however, call your attention to the fact that the United States District Court for the District of Nebraska has held on a number of occasions that the present Nebraska takeover statute, Neb.Rev.Stat. §§21-2401 to 21-2417 (Reissue 1977) is unconstitutional as being in conflict with the Williams Act, and has routinely enjoined its enforcement.

In Edgar v. Mite Corporation, ___ U.S. ___, 73 L. Ed 2d 269, 102 S. Ct. 2629 (1982) the court struck down the Illinois takeover statute. The court found, first, that it was pre-empted by the Williams Act, because Congress, in passing the Williams Act, had attempted to strike a balance between management of the target corporation and the bidder, to the advantage of the stockholder, and that the Illinois Act, in making additional delays possible, tipped the balance more in favor of incumbent management. The court reached this conclusion despite finding that it was not impossible to comply with both the Williams Act and the Illinois Act.

While the court did not specifically so hold, a logical extension of the above holding might be that the Williams Act had entirely occupied the field, and that any additional requirements by a state would operate to the advantage of incumbent management, in violation of the Williams Act. That may be an extreme interpretation, but it is possible. In authorizing injunctions for violation of LB 599, the bill may be subject to the same fatal conflict with the Williams Act as was the case with the Illinois Act.

Even more clearly, however, the court's language in Edgar would invalidate LB 599 as being in violation of the Commerce Clause. The court distinguished the state "blue-sky laws," which had been upheld on the grounds that they involved intrastate transactions, saying that the Illinois Act differed from such laws in that it directly regulated transactions which took place across state lines, even if wholly outside the state of Illinois.

The Illinois Act was applicable if two of the following three conditions were met: The corporation had its principal executive office in Illinois, was organized under the laws of Illinois, or had at least ten percent of its stated capital and paid-in surplus represented in the state. LB 599, in contrast, would require much less state nexus, in making its provisions applicable whenever the target company has 35 or more shareholders residing in Nebraska. Virtually any publicly-traded corporation would meet that requirement.

The court thoroughly discussed the Commerce Clause question, pointing out that trading in securities is by means of interstate commerce, but that the Illinois Act would prohibit transactions not only with Illinois residents, but also with those living in other states and having no connection with Illinois. Clearly, LB 599 would do the same.

We therefore conclude that, in light of Edgar v. Mite Corporation, it

would be difficult to defend LB 599 against constitutional attack.

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

RHG/cmb/th2
cc: Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTION

LEGISLATIVE RESOLUTION 69. Read. Considered.

LR 69 was adopted with 25 ayes, 0 nays, and 24 not voting.

GENERAL FILE

LEGISLATIVE BILL 239. Title read. Considered.

Mr. Schmit renewed his pending amendment, AM1026, found in the Journal on page 1345.

The amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Schmit renewed his pending amendment, AM1173, found in the Journal on page 1587.

The amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Newell asked unanimous consent to withdraw his pending amendment, AM1095, printed separate from the Journal and referred to on page 1495. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 239 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the

Clerk's Office - AM1189.)

VISITOR

Visitor to the Chamber was Mrs. Mayruth Sarsfield of the United Nations where she spoke to the members briefly.

UNANIMOUS CONSENT - Member Excused

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 626. Considered.

Mr. Chambers renewed his pending amendment found in the Journal on page 1684 to the Standing Committee amendments as amended by the Newell amendments.

Mr. Chambers moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Barrett	Beutler	Carsten	Chambers	Clark
Fenger	Goll	Haberman	Higgins	Jacobson
Lamb	Lundy	Pappas	Remmers	Schmit
Sieck	Vickers	Von Minden	Wagner	

Voting in the negative, 23:

Abboud	Chronister	Cullan	DeCamp	Fowler
Goodrich	Hannibal	Hefner	Johnson, L.	Kahle
Kilgarin	Labedz	Landis	Marsh	Morehead
Newell	Nichol	Peterson, H.	Pirsch	Rupp
Wesely	Wiitala	Withem		

Present and not voting, 3:

Beyer	Eret	Peterson, R.

Excused and not voting, 4:

Hoagland	Johnson, R.	Johnson, V.	Warner	

The Chambers amendment lost with 19 ayes, 23 nays, 3 present and not voting, and 4 excused and not voting.

Mr. Beutler offered the following amendment to the Standing Committee amendments as amended.

Delete the words "or substandard" in line 16, page 1 of the Newell amendment AM1196.

The Chair declared the Call raised.

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.

The Beutler amendment was adopted with 20 ayes, 18 nays, 8 present and not voting, and 3 excused and not voting.

Pending.

VISITOR

Visitor to the Chamber was A. Ray Shirley, J. Sterling Morton Award, who spoke to the members briefly.

GENERAL FILE

LEGISLATIVE BILL 626. Mr. Chambers offered the following amendment to the Newell amendment:

Strike the word "blighted" in line 16.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 12:

Carsten	Chambers	Clark	Eret	Fenger
Higgins	Lamb	Pappas	Remmers	Schmit
Vickers	Wagner			

Voting in the negative, 23:

Abboud	Beyer	Cullan	DeCamp	Fowler
Hannibal	Hefner	Jacobson	Johnson, L.	Johnson, R.
Kahle	Kilgarin	Labedz	Landis	Lundy
Marsh	Morehead	Newell	Peterson, H.	Pirsch

Von Minden Wesely Withem

Present and not voting, 11:

Barrett Beutler Chronister Goll Goodrich
Haberman Nichol Peterson, R. Rupp Sieck
Wiitala

Excused and not voting, 3:

Hoagland Johnson, V. Warner

The Chambers amendment lost with 12 ayes, 23 nays, 11 present and not voting, and 3 excused and not voting.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 69.

GENERAL FILE

LEGISLATIVE BILL 626. The Standing Committee amendments, as amended, were adopted with 34 ayes, 1 nay, 11 present and not voting, and 3 excused and not voting.

Mr. DeCamp renewed his pending amendment, AM1204, found in the Journal on page 1651.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

The DeCamp amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Public Health and Welfare

The Public Health and Welfare Committee met in Executive Session on April 8, 1983 for the purpose of the Confirmation of the appointment of Mr. Vernon Miers to the Commission of the Hearing Impaired.

The Committee voted 5-0-2 for his confirmation. Senators Withem, Barrett, Fenger, R. Peterson and Rupp voted AYE. Senators Higgins and Wesely were not present.

The Public Health and Welfare Committee met in Executive Session on April 18, 1983 for the purpose of the Confirmation of the appoinments of Mrs. Phyllis Haberman, Mr. John J. Clark, Dr. Robert J. Hilkemann, Dr. Wade W. Nyquist, Dr. Robert Rosenlof and Julie Brown Arfmann to the State Board of Health.

The Committee voted 6-0-1 in favor of these appointments. Senators Fenger, Barrett, Withem, Higgins, R. Peterson and Rupp voted AYE. Senator Wesely was not present.

(Signed) George Fenger, Chairperson

Judiciary

LEGISLATIVE BILL 13. Placed on General File as amended.
Standing Committee amendments to LB 13:
AM1231

1. On page 4, line 14, after "the" insert "county"; and in line 15 after the second "the" insert "county".

2. On page 5, line 23, reinstate the stricken commas, strike "and", reinstate the stricken "and", and after the reinstated "and" insert "county"; and in lines 23 and 24 strike "to each county court," and show as stricken.

3. On page 7, line 10, reinstate the stricken matter; strike beginning with "of" in line 24 through "resident" in line 25 and insert "in which the municipal court is located"; and in line 26 strike "section 24-820"; and insert "sections 24-505.01, 24-820, and 24-821".

4. On page 8, line 4, after the period insert "A person currently serving as a municipal judge and assuming the office of county judge under this section shall be empowered to hear such cases, pursuant to section 24-517, as the presiding judge of a county court shall direct, with the concurrence of the Supreme Court."; in line 7 after the second comma insert "violations bureau staff,"; and in line 14 after the period insert "Retirement income shall be subject to section 85 of this act.".

5. On page 10, line 19, reinstate the stricken

matter; in line 20 strike the new matter; and in lines 22 and 27 strike "offices" and insert "office facilities".

6. On page 11, line 5, after "1984" insert ", subject to any sale, lease, or other arrangement pursuant to this section"; in line 12 strike the new matter and reinstate the stricken matter; in line 15 after "and" insert "office"; in lines 18 through 20 strike the new matter; in line 21 after the comma insert "prior to, on, or"; and in line 22 strike "section 24- 517" and insert "sections 24- 517 and 26- 116 to 26- 122".

7. On page 29, line 14, after the period insert "Any fees assessed for causes prior to July 1, 1984, shall be paid and assigned to the jurisdiction assessing such fees.".

8. On page 30, line 18, strike "or" and show as stricken; and in line 19 strike the new matter and reinstate the stricken matter and after the reinstated "of" insert "a municipal court;".

9. On page 31, in lines 3 and 4, reinstate the stricken matter; and in lines 16 through 21 reinstate the stricken matter.

10. On page 37, strike beginning with "The" in line 10 through "body" in line 13, show as stricken, and insert "A similar fee shall be charged for prosecutions of any city ordinance regulating nonmoving traffic violations, to be credited to the costs of a violations bureau when established by a local governing body, except when such cause, proceeding, or defendant has been dismissed by the court".

11. Strike original section 33.

12. On page 49, line 4, strike "Each", show as stricken, and insert "In counties having a population of one hundred thousand or more, each"; in line 5 after "appoint" insert ", with the concurrence of the Supreme Court,".

13. On page 60, line 2, strike "61 and 66" and insert "60 and 65".

14. On page 61, line 4, after the second "position" insert "exclusively associated with probation services and existing"; in line 5 strike "existing"; in line 23 after the period insert "Retirement income shall be subject to section 85 of this act."; and in line 27 strike "61 and 62" and insert "60 and 61".

15. On page 80, line 22, strike "The presiding", show as stricken, and insert "Each"; and in line 27 after "reporter" insert an underscored comma, strike "and" and show as stricken, strike the underscored period and insert ", and", and reinstate the stricken matter.

16. On page 81, line 1, reinstate the stricken matter; in line 9 strike "salary" and reinstate "salaries" and after "baliff" insert "and other necessary personal staff".

17. On page 82, line 6, strike "Chief Justice" and insert "Supreme Court"; and in line 27 strike "61, and 62" and insert "60, and 61".

18. On page 91, line 7, strike "61, and 62" and insert "60, and 61".

19. On page 92, lines 4 and 5, strike "60, 61, 66, 67, 68, 87, 88, and 89" and insert "59, 60, 65, 66, 67, 86, 87, and 88"; and in line 21 strike "24-729,".

20. Renumber original sections 34 to 88 as 33 to 87 respectively and renumber the first section 89 as section 88.

LEGISLATIVE BILL 394. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - AM1119.)

LEGISLATIVE BILL 420. Placed on General File as amended.
Standing Committee amendments to LB 420:
AM1232

1. On page 2, line 6, strike "now or hereafter designated or"; in line 7 strike "any state" and insert "Nebraska"; and in line 8 strike "state" and insert "Nebraska", after "or" insert "federal", and after "agency" insert "as of the effective date of this act".

2. One page 3, line 1, strike ", wanton,".

LEGISLATIVE BILL 590. Placed on General File as amended.
Standing Committee amendments to LB 590:
AM1220

1. On page 2, line 9, strike "as a result of negligent", show the old matter as stricken, and insert "proximately caused by the"; and strike beginning with "as" in line 23 through "negligent" in line 24 and insert "proximately caused by the".

2. On page 2, after line 16, and on page 3, after

line 1, insert:

"For purposes of this section, vehicular pursuit shall mean an active attempt by a law enforcement officer operating a motor vehicle to apprehend one or more occupants of another motor vehicle, when the driver of the fleeing vehicle is or should be aware of such attempt and is resisting apprehension by maintaining or increasing his or her speed, ignoring the officer, or attempting to elude the officer while driving at speeds in excess of those reasonable and proper under the conditions.".

(Signed) Chris Beutler, Chairperson

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

Gubernatorial Appointments:
Monday, May 2, 1983 1:15 p.m.
Jody Asmussen - Nebraska Arts Council

Wednesday, May 4, 1983 1:15 p.m.
Albert Davis - Nebraska Arts Council

(Signed) Elroy Hefner, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 73.

Introduced by Cullan, 49th District.

WHEREAS, Adelyn Headden has devoted forty-four years of her life to the education of Nebraska youth; and

WHEREAS, Mrs. Headden has been active in many distinguished professional associations; and

WHEREAS, for the past thirty-one years Mrs. Headden has been an instructor in numerous capacities at the Hemingford Public School system and served as president of the Hemingford Education Association for three years; and

WHEREAS, the Hemingford National Honor Society, a student organization, has accepted Mrs. Headden as an honorary member of their association; and

WHEREAS, the city of Hemingford has benefited greatly from Mrs. Headden's community activities, including a two-year tenure on the Hemingford City Council; and

WHEREAS, Adelyn Headden has shown an extraordinary level of

personal commitment to her students; and

WHEREAS, many students have received the benefit of Adelyn Headden's intellectual gifts, communication skills, and teaching abilities; and

WHEREAS, Adelyn Headden will be retiring from the education profession at the conclusion of this school year.

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

1. That the Legislature expresses the appreciation of the people of the State of Nebraska to Adelyn Headden for her service to the students of the state.

2. That a copy of this resolution be delivered to Adelyn Headden upon its passage.

Laid over.

VISITORS

Visitors to the Chamber were Mrs. Ray Shirley and Mr. & Mrs. Mike Ferrill and Ruth; 22 eighth grade students and teachers from Stromsburg Public School; 26 fourth grade students and teacher from Pawnee City Elementary School; 31 fourth grade students and teachers from Hillrise Elementary School, Elkhorn; 20 City Clerks from Nebraska; and 25 fourth grade students, teacher, and sponsors from Lincoln Christian School, Lincoln.

RECESS

At 11:53 a.m., on a motion by Mr. Jacobson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Cullan, Fowler, Hoagland, V. Johnson, Landis, Mesdames Higgins, Labedz, and Pirsch who were excused until they arrive.

MESSAGE FROM THE GOVERNOR

April 25, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 432, 465, 170, 173, 375, 536, 538, 369, 463, 306, 180, 272, and 237 were received in my office on April 20, 1983.

These bills were signed by me on April 25, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

UNANIMOUS CONSENT - Member Excused

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 626. Considered.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. DeCamp requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 21:

Carsten	DeCamp	Fowler	Goodrich	Hannibal
Higgins	Hoagland	Johnson, R.	Kilgarin	Labedz
Lundy	Marsh	Morehead	Newell	Nichol
Rupp	Schmit	Wagner	Wesely	Wiitala
Withem				

Voting in the negative, 24:

Abboud	Barrett	Beutler	Beyer	Chambers
Clark	Cullan	Eret	Fenger	Goll
Haberman	Hefner	Jacobson	Kahle	Lamb
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Sieck	Vickers	Von Minden	Warner	

Present and not voting, 1:

Chronister

Absent and not voting, 1:

Johnson, L.

Excused and not voting, 2:

Johnson, V. Landis

Failed to advance to E & R for Review with 21 ayes, 24 nays, 1 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 628 in the Journal. No objections. So ordered.

1. Add a new section:
"Sec. 82. The State Treasurer is hereby directed to transfer seven thousand five hundred dollars from the General Fund to the Nebraska Energy Office Federal Fund on July 1, 1983."
2. Renumber original sections accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 626 in the Journal. No objections. So ordered.

AM1258

1. Insert the following new section:
"Sec. 45. The reports required pursuant to section 44 of this act shall be public information. No such report shall reveal the name of any individual borrower. The authority shall, following the close of each fiscal year, deliver to the Governor and to the Clerk of the Legislature, a set of the individual reporting forms from the preceding year.".

2. On page 2, line 1, strike "70" and insert "71".
3. On page 40, line 22, strike "52" and insert "53".
4. On page 46, line 21, strike "62" and insert "63".
5. On page 50, line 1, after the period insert "Such report shall include a showing of the distribution of agricultural borrowers according to personal net worth, family net worth, and gross farm sales.".
6. On page 51, line 27, strike "70" and insert "71".
7. On page 52, lines 10, 23, and 27 and page 53, line 6, strike "70" and insert "71".
8. Renumber remaining sections accordingly.

Mr. Schmit asked unanimous consent to print the following amendment to LB 626 in the Journal. No objections. So ordered.

1. On page 29, strike lines 18 through 20.
2. On page 30, strike lines 21 through 27.
3. Renumber subsections.

Explanation:
1) Removes "net worth" requirement for agricultural loans.
2) Removes "credit-elsewhere" test for ag borrowers.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 628 in the Journal. No objections. So ordered.

AM1261

1. PURPOSE: To reduce an appropriation for special education while acknowledging that the amount reduced remains a state obligation for which funds should be appropriated at a later date.
AMENDMENT: (1) On page 14, line 2, strike "41,266,022" and insert "35,266,022"; in line 5, strike "49,485,945" and insert "43,485,945"; and in line 10 strike "40,623,462" and insert "34,623,462".
(2) On page 18, line 10, strike "187,835,940" and insert "181,835,940"; and in line 14 strike "242,584,755" and insert "236,584,755".

Mr. Warner asked unanimous consent to print the following amendment to LB 410A in the Journal. No objections. So ordered.

PURPOSE: To change the State College program number.
AMENDMENT: On page 3, in line 2, strike "901" and insert "902".

Mr. Cullan asked unanimous consent to print the following amendment to LB 356 in the Journal. No objections. So ordered.

AM1098

1. In the Standing Committee amendments adopted April 7, 1983:

(a) On page 6, lines 4 and 5; page 14, lines 12 and 13; page 15, line 4; page 16, lines 7 and 20 and 21; page 17, line 16; page 18, lines 5 and 6, and 22 and 23; page 19, line 7; and page 20, line 26, strike beginning with "sections" through "81-1533", show as stricken, and insert "the Environmental Protection Act";

(b) On page 13, line 20, strike "production well" and insert "other than oil and gas";

(c) On page 14, line 1, after the second "the" insert "Environmental Protection Act" and strike beginning with "provisions" through the underscored comma in line 2 and show the old matter as stricken;

(d) On page 27, line 9; and page 41, line 8, strike "department" and insert "council";

(e) On page 40, line 10, strike beginning with "provisions" through "81-1532", show as stricken, and insert "Environmental Protection Act"; strike beginning with the second "the" in line 11 through "81-1532" in line 12, show as stricken, and insert "such act";

(f) On page 40, line 24; page 42, lines 10, and 25 and 26; page 47, lines 7 and 22; page 33, line 14; and page 48, line 4, strike beginning with "sections" through "81-1532", show as stricken, and insert "the Environmental Protection Act";

(g) On page 42, strike beginning with "the" in line 11 through "81-1532" in line 12, show as stricken, and insert "such act";

(h) On page 47, lines 8, 9 and 10, and 11 and 12, strike beginning with "sections" through "81-1532", show as stricken, and insert "such act";

(i) On page 49, strike beginning with "Department" in line 10 through "Control" in line 11 and insert "council"; and in line 24, strike "81-1532", show as stricken, and insert "81-1533"; and

(j) On page 54, line 16, strike "2" and insert "1".

2. In the Cullan amendment to the Standing

17 Committee amendments, adopted April 7, 1983, on page 2,
18 line 16, strike "department" and insert "council".

GENERAL FILE

LEGISLATIVE BILL 124. Title read. Considered.

Standing Committee amendments, AM0291, printed separate from the Journal and referred to on page 935 were considered.

MRS. LABEDZ PRESIDING

Mr. Vickers offered the following amendment to the Standing Committee amendments:
On page 2 line 24 strike "substandard"

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

The Vickers amendment was adopted with 17 ayes, 10 nays, 19 present and not voting, and 3 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

Mr. Wesely moved for a Call of the House. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. DeCamp requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Beutler	Chambers	Chronister	Cullan	DeCamp
Eret	Fowler	Goll	Hannibal	Higgins
Hoagland	Johnson, R.	Kilgarin	Labedz	Marsh
Morehead	Newell	Nichol	Peterson, H.	Pirsch
Rupp	Vickers	Wagner	Wesely	Wiitala
Withem				

Voting in the negative, 12:

Abboud	Barrett	Carsten	Clark	Fenger
Haberman	Hefner	Jacobson	Kahle	Lamb
Remmers	Von Minden			

Present and not voting, 8:

Beyer	Goodrich	Johnson, L.	Lundy	Peterson, R.
Schmit	Sieck	Warner		

Excused and not voting, 3:

Johnson, V.	Landis	Pappas

Advanced to E & R for Review with 26 ayes, 12 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

SPEAKER NICHOL PRESIDING

LEGISLATIVE BILL 494. Title read. Considered.

MR. CLARK PRESIDING

Standing Committee amendments, AM0771, found in the Journal on page 993 for the Forty-Sixth Day were adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 388. Title read. Considered.

Standing Committee amendment, AM0785, found in the Journal on page 1022 for the Forty-Seventh Day was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 615. Placed on General File as amended.
Standing Committee amendment to LB 615:
AM1260

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That Laws 1982, Second Special Session, LB 1, section 21, be amended to read as follows:

Sec. 21. Agency No. 26 — Department of Public Welfare

In addition to any other information provided by the Department of Public Welfare with its 1983-84 budget request, the department shall provide the following:

(1) A report by type of service or aid of the use and distribution of federal funds by the department received under federal block grants from the United States Department of Health and Human Services as follows:

(a) Actual expenditure of block grant funds for state and federal fiscal year 1981-82;

(b) Current budget and planned use and distribution of block grant funds for state and federal fiscal year 1982-83; and

(c) Requested use and distribution of block grant funds for state and federal fiscal years 1983-84 and 1984-85.

(2) A report by type of service or aid of the use and distribution of General, cash, or nonblock federal funds to match, supplement, or provide joint funding of services funded by use of federal block grant funds. Such information shall be provided as required for subdivisions (1) (a), (b), and (c) above.

The department shall revise or otherwise provide an update to the Legislative Fiscal Office on January 5, 1983, of any information submitted as required under subdivisions (1) and (2) above to reflect any changes that might occur subsequent to submission of its 1983-84 budget request but prior to January 5, 1983.

(3) Program No. 341 - Administration of Public Assistance

GENERAL FUND	12,071,842
FEDERAL FUND est.	22,268,400
PROGRAM TOTAL	34,340,242

Total expenditures for permanent and temporary salaries and per diems for state employees shall not exceed $6,664,577.

There is included in the appropriation to this program $000 General Funds, $000 Federal Funds, for county administration, which shall only be used for such purposes. No expenditure for permanent and temporary salaries and per diems for state employees shall be made from appropriations for county administration.

(4) Program No. 347 - Public Assistance

GENERAL FUND	~~75,408,659~~	76,754,610
CASH FUND	~~17,262,848~~	17,405,420
FEDERAL FUND est.	~~141,245,925~~	151,473,728
PROGRAM TOTAL	~~233,917,432~~	245,633,758

No personal services expenditures for state employees shall be made from appropriations to this program.

There is included in the appropriation to this program ~~$75,408,659~~ $76,754,610 General Funds, ~~$17,262,848~~ $17,405,420 Cash Funds, ~~$141,245,925~~ $151,473,728 Federal Funds estimate, for state aid, which shall only be used for such purposes.

There is included in the appropriation to this program $4,943,612 Federal Funds, for Social Services for the mentally retarded, which shall only be used for such purposes.

For accounting purposes only, the appropriation to this program include:

(a) Nonfederal Medical Assistance		
GENERAL FUND		17,000
TOTAL		17,000
(b) Energy Assistance		
FEDERAL FUND est.	~~14,514,628~~	13,388,688
TOTAL	~~14,514,628~~	13,388,688
(c) Subsidized Adoption		
GENERAL FUND		748,641
TOTAL		748,641
(d) State Disabled Program - Medical		
GENERAL FUND		772,965
CASH FUND		110,423
TOTAL		883,388
(e) State Disabled Program - Maintenance		
GENERAL FUND		250,000
TOTAL		250,000
(f) Aid to Dependent Children		
GENERAL FUND		21,263,754
FEDERAL FUND		29,509,298
TOTAL		50,773,052
(g) State Supplement to Supplemental Security Income		
GENERAL FUND		5,671,585
TOTAL		5,671,585
(h) Indo-China Refugees		
FEDERAL FUND		900,000

TOTAL		900,000
(i) Emergency Assistance		
FEDERAL FUND		125,000
TOTAL		125,000
(j) Catastrophic Illness		
GENERAL FUND		31,250
FEDERAL FUND		62,500
TOTAL		93,750
(k) Work Incentive Program		
GENERAL FUND		112,000
FEDERAL FUND		871,080
TOTAL		983,080
(l) Child Welfare and Status Offender		
GENERAL FUND		5,537,886
FEDERAL FUND		444,000
TOTAL		5,981,886
(m) Medicaid		
GENERAL FUND	~~39,631,495~~	42,103,386
CASH FUND	~~17,152,425~~	17,294,997
FEDERAL FUND	~~82,100,771~~	92,328,574
TOTAL	~~138,884,691~~	151,726,957
(n) Social Services		
GENERAL FUND	~~2,177,501~~	1,051,561
FEDERAL FUND	~~12,571,339~~	13,697,279
TOTAL		14,748,840
(o) Domestic Violence Program		
GENERAL FUND		428,000
TOTAL		428,000
(p) IV - E Adoption		
GENERAL FUND		106,147
FEDERAL FUND		147,309
PROGRAM TOTAL		253,456
(q) Disabled Persons and Family Support Program		
GENERAL FUND		0
TOTAL		0
(5) Program No. 523 - Services for Crippled Children		
GENERAL FUND		1,727,716
FEDERAL FUND est.		895,107
PROGRAM TOTAL		2,622,823

Total expenditures for permanent and temporary salaries and per diems shall not exceed $411,180.

There is included in the appropriation to this program $1,274,000 General Funds, $895,107 Federal Funds

estimate, for state aid, which shall only be used for such purposes.

(6) Program No. 524 - Nebraska Center for Children and Youth

GENERAL FUND	2,810,301
CASH FUND	129,132
FEDERAL FUND est.	71,422
PROGRAM TOTAL	3,010,855

Total expenditures for permanent and temporary salaries and per diems shall not exceed $2,218,448.

(7) Program No. 547 - Economic Opportunity Act

FEDERAL FUND est.	1,576,746
PROGRAM TOTAL	1,576,746

Total expenditures for permanent and temporary salaries and per diems shall not exceed $61,611.

There is included in the appropriation to this program $1,495,443 Federal Funds estimate, for state aid, which shall only be used for such purposes. For Informational Purposes Only: Total Appropriations to Agency No. 26 and Fund Source

GENERAL FUND	~~92,018,518~~	93,364,469
CASH FUND	~~17,391,980~~	17,534,552
FEDERAL FUND est.	~~166,057,600~~	176,285,403
AGENCY TOTAL	~~275,468,098~~	287,184,424

Sec. 2. That original Laws 1982, Second Special Session, LB 1, section 21, 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.".

(Signed) Jerome Warner, Chairperson

MOTION - Place LB 604 on General File

Mr. Carsten moved to place LB 604 on General File, notwithstanding the action of the committee, pursuant to Rule 3, Section 16.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following amendment to LB 395 in the Journal. No objections. So ordered.

AM1208

(Amendments to the Standing Committee amendments)

1. In the Standing Committee amendments, on page 1, strike lines 1 through 17 and insert:

"1. On page 25, line 8, strike 'Sales and purchases', show as stricken, and insert 'Purchases'; and in line 12 before the underscored semicolon insert 'and by political subdivisions for use directly related to the generation of electricity or the treatment and sale of gas and water'.".

GENERAL FILE

LEGISLATIVE BILL 336. Mr. H. Peterson renewed his pending motion found in the Journal on page 1612 to indefinitely postpone.

Messrs. Schmit and Beyer asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 12 nays, and 21 not voting.

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers requested a record vote on the H. Peterson motion to indefinitely postpone.

Voting in the affirmative, 18:

Abboud	Barrett	Carsten	Chambers	Chronister
Eret	Fenger	Johnson, L.	Lamb	Landis
Marsh	Peterson, H.	Peterson, R.	Remmers	Sieck
Von Minden	Warner	Wesely		

Voting in the negative, 25:

Beutler	Clark	Cullan	DeCamp	Fowler
Goodrich	Haberman	Hannibal	Hefner	Higgins
Johnson, R.	Kahle	Kilgarin	Labedz	Lundy
Morehead	Newell	Nichol	Pappas	Pirsch
Rupp	Vickers	Wagner	Wiitala	Withem

Present and not voting, 3:

Goll	Hoagland	Jacobson

Excused and not voting, 3:

Beyer	Johnson, V.	Schmit

The H. Peterson motion lost with 18 ayes, 25 nays, 3 present and not voting, and 3 excused and not voting.

Messrs. Hoagland, Lamb, H. Peterson, and Beutler renewed their pending amendment, AM1229, found in the Journal on page 1685.

Speaker Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Hoagland moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Hoagland requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Abboud	Barrett	Beutler	Chambers	Chronister
Cullan	Eret	Fenger	Fowler	Goll
Hoagland	Johnson, L.	Lamb	Landis	Marsh
Morehead	Peterson, H.	Peterson, R.	Remmers	Sieck
Vickers	Warner	Wesely		

Voting in the negative, 23:

Carsten	Clark	DeCamp	Goodrich	Haberman
Hannibal	Hefner	Higgins	Jacobson	Johnson, R.
Kahle	Kilgarin	Labedz	Lundy	Newell
Nichol	Pappas	Pirsch	Rupp	Von Minden
Wagner	Wiitala	Withem		

Present and not voting, 1:

Beyer

Excused and not voting, 2:

Johnson, V. Schmit

The Hoagland et al amendment lost with 23 ayes, 23 nays, 1 present and

not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Pending.

SPEAKER'S ANNOUNCEMENT

April 25, 1983

Senator Vard Johnson, Chairperson
Reference Committee
Room 2108
State Capitol Building
Lincoln, Nebraska 68509

RE: Resolutions

Dear Senator Johnson:

Pursuant to the authority vested in me as Speaker, regarding the referral of Resolutions to a Committee for a hearing, I hereby send to the Reference Committee LRs' 70, dealing with the Economic Recovery Act of 1981, 71, dealing with railroad retirement, and 72, dealing with relaunch of NASA program on an expanded scale. I forward these to your Committee for referral to the appropriate standing committees for public hearing.

Should you have questions or comments, please don't hesitate to contact me.

Sincerely,
(Signed) William E. Nichol
Speaker of the Legislature

WEN:tle
cc: Patrick J. O'Donnell
Clerk of the Legislature

ANNOUNCEMENT

Mr. Fowler announced the Nebraska Retirement Systems Committee will hold an executive session on Tuesday, April 26, 1983, at 10:00 a.m., under the north balcony of the Legislative Chambers.

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following

amendment to LB 118 in the Journal. No objections. So ordered.

AM1272
1. Strike the Beyer, Chambers, and
Beyer-Chambers (originally Carsten-Marsh), amendments.
2. Strike E & R amendment 1.
3. On page 2, line 11, strike "Cornhusker
State", show as stricken, and insert "Arbor Day".

RESOLUTION

LEGISLATIVE RESOLUTION 74.

Introduced by DeCamp, 40th District.

WHEREAS, Joseph Burns, a native of County Roscommon, Ireland, came to America in 1861 and became a resident of Nebraska in 1882; and

WHEREAS, Joseph Burns held public office as a Lincoln City council member, 1890-1891, a State Representative, 1893-1895, and 1899-1905, and a State Senator, 1907; and

WHEREAS, Joseph Burns' contributions to Nebraska and the nation as a contractor and engineer were outstanding through his invention of the section well augur, the development of the battery pipe well system, and other innovations which eased the search for water on the plains and promoted settlement of the state; and

WHEREAS, Joseph Burns conceived and designed an effective municipal water well system for the City of Lincoln in 1886 and promoted other civic improvements throughout his life.

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

1. That the I-80 rest area west of Exit 405, Lancaster County, Nebraska, be designated the Joseph Burns Rest Area.

2. That a plaque be installed at such rest area setting forth the achievements of Joseph Burns.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 412 in the Journal. No objections. So ordered.

AM1222
(Amendments to Final Reading Copy)

1. On page 1, line 4, after the semicolon insert "to change certain provisions relating to registration;"; and in line 6 strike "and" and after "sections" insert "; and to declare an emergency".

2. On page 4, line 27, after the period insert "A Nebraska based fleet owner may include trailers and semitrailers in such apportionable fleet by listing them in an application filed pursuant to section 60- 305.09. The registration procedure required by section 60- 305.09 shall be the only such registration required and when the fees provided for in such section have been paid, the trailers and semitrailers listed on the application shall be duly registered as part of such Nebraska based fleet.".

3. On page 5, line 18, after the comma insert "including those that are part of a Nebraska based fleet registered pursuant to section 60- 305.09,", and after "no" insert "additional".

4. Insert a new section as follows:

"Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Vickers asked unanimous consent to print the following amendment to LB 585A in the Journal. No objections. So ordered.

PURPOSE: To change the source of funding for LB 585 from the General Fund to the School Weatherization Fund and to increase the appropriation to $100,000.

AMENDMENTS:

On page 2, in line 2, strike "sixty-one thousand eight hundred fifty" and insert "one hundred thousand"; in lines 3 and 5, strike "General" and insert "School Weatherization"; and in line 4, strike "sixty thousand five hundred" and insert "one hundred thousand."

GENERAL FILE

LEGISLATIVE BILL 336. Mr. Chambers offered the following amendment:

Page 11, line 17:

After "states" insert: "No contract shall be awarded to any individual or business organization who at the time of submitting a bill shall not be bonded for an amount not less than $10 million."

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 0 nays, and 26 not

voting.

The Chambers amendment was adopted with 25 ayes, 11 nays, 11 present and not voting, and 2 excused and not voting.

Mr. Chambers renewed his pending amendment (1) found in the Journal on page 1614.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment (1) was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Chambers renewed his pending amendment (2) found in the Journal on page 1614.

The Chambers amendment (2) was adopted with 27 ayes, 3 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Chambers renewed his pending amendment (3) found in the Journal on page 1614.

The Chambers amendment (3) was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. DeCamp offered the following amendment:
AM1259

1. Strike original section 2 and all amendments thereto.

2. Insert new sections as follows:

"Sec. 2. The Legislature hereby finds and declares that with the proliferation of lottery activity in the State of Nebraska by subdivisions of government and charitable organizations, all in accordance with the Constitution of the State of Nebraska, it is a proper and necessary state responsibility to regulate, control, and supervise such activities and insure that constitutional intents and requirements are met. The Legislature further finds and declares:

(1) That lottery activity as it exists now in the State of Nebraska is essentially unregulated, uncontrolled, and unpoliced;

(2) That strict control of all lottery activity within the State of Nebraska according to the guidelines of the constitution of this state is a

necessary and proper state function for which the Legislature must devise a statutory plan;

(3) That such statutory plan must embody the principles of (a) consumer protection and (b) a strict, certifiable, inexpensive, and efficient regulatory and policing system so that all money involved in lottery activity is channeled to the proper entities as outlined by the Nebraska Constitution and the element of chance is not subject to fraudulent manipulation;

(4) That sufficient technology now exists to provide a system of lottery activity which (a) offers a verifiable return to consumers who wish to participate in such activity, (b) offers an additional source of revenue to the State of Nebraska and its citizens, and (c) instills public confidence and trust that lottery activity is conducted honestly and free from corruptive elements; and

(5) It is a proper function of the state to operate a state lottery.

Sec. 35. In order to properly regulate, control, supervise, and insure that state goals are accomplished with respect to lottery activity in the state, there is hereby imposed a tax of five per cent upon the prizes awarded on all lottery activity occurring in the state, except for prizes awarded from any state lottery operated by the commission pursuant to the State Lottery Act. Such tax shall be withheld and paid to the commission pursuant to the rules and regulations adopted and promulgated by the commission. All money received by the commission pursuant to this section shall be deposited in the State Lottery Fund.

Sec. 36. The commission may adopt and promulgate rules and regulations necessary to accomplish the goals set forth in sections 2 and 35 of this act including, but not limited to:

(1) Procedures necessary to accurately determine the prizes actually awarded in any lottery activity so that the proper tax can be collected;

(2) Procedures and techniques to insure that no individuals or entities not allowed under the constitution or laws of this state engage in lottery activity within the state;

(3) Procedures and techniques to insure that any funds invested in lottery activity go to the proper places and for the proper purposes as specified by law;

and

(4) Procedures and techniques necessary to supervise and insure that any and all lottery equipment, services, or materials which are used for lottery activity comply with the constitution of the state and all relevant court interpretations in all respects so that a strict accounting of all funds invested in lottery activity is accurately maintained.

Sec. 43. 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 19, line 25, after "shares" insert ", all funds received pursuant to section 35 of this act,".

4. On page 20, line 12, after "lottery" insert "and its regulation and policing of lottery activity in the state".

5. On page 23, line 7, reinstate the stricken matter, strike "The", and insert "and the"; and reinstate the stricken matter in lines 11 through 17.

6. In the Standing Committee amendments on page 2, line 16, strike "39" and insert "41".

7. Renumber remaining sections accordingly.

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The DeCamp amendment was adopted with 25 ayes, 12 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Hoagland offered the following amendment:

To amend LB 336 by striking "except that in any" and substituting "shall be only a", line 21, page 4, and by striking "or other tangible evidence of participation", page 4, lines 21-22.

The Hoagland amendment was adopted with 25 ayes, 8 nays, 12 present and not voting, and 4 excused and not voting.

Mr. Beutler offered the following amendment:

1. no further lottery shall be authorized after the effective date of this act under section 28-1116

2. no lottery authorized under section 28-1116 shall sell its lottery tickets outside of the jurisdiction of the political subdivision authorizing the lottery.

Speaker Nichol 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 Beutler amendment lost with 15 ayes, 20 nays, 11 present and not voting, and 3 excused and not voting.

Mr. Newell asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. DeCamp requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Carsten	Chronister	Clark	Cullan	DeCamp
Goodrich	Haberman	Hannibal	Hefner	Higgins
Jacobson	Johnson, R.	Kahle	Kilgarin	Labedz
Lundy	Morehead	Nichol	Pappas	Pirsch
Rupp	Von Minden	Wagner	Wiitala	Withem

Voting in the negative, 19:

Abboud	Barrett	Beutler	Chambers	Eret
Fenger	Goll	Hoagland	Johnson, L.	Lamb
Landis	Marsh	Peterson, H.	Peterson, R.	Remmers
Sieck	Vickers	Warner	Wesely	

Present and not voting, 1:

Beyer

Excused and not voting, 4:

Fowler	Johnson, V.	Newell	Schmit

Advanced to E & R for Review with 25 ayes, 19 nays, 1 present and not voting, and 4 excused and not voting.

VISITORS

Visitors to the Chamber were 60 first grade students, teachers, and sponsors from North Park School, Columbus; 11 fourth grade students, teacher, and sponsors from Pleasanton; Mr. K. R. Mitchell from Allen; and 60 fourth grade students, teachers, and sponsors from Gretna.

ADJOURNMENT

At 5:11 p.m., on a motion by Speaker Nichol, the Legislature adjourned until 8:30 a.m., Tuesday, April 26, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-FIRST DAY - APRIL 26, 1983

LEGISLATIVE JOURNAL

SEVENTY-FIRST DAY - APRIL 26, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

SEVENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 26, 1983

Pursuant to adjournment, the Legislature met at 8:30 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Rev. Charles L. Wildman, Vine Congregational Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Chambers, Cullan, Fowler, Goodrich, Hoagland, V. Johnson, Landis, Schmit, Sieck, Wesely, Mesdames Labedz, Morehead, Pirsch, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1701, line 26, strike "1495" and insert "1492".
The Journal for the Seventieth Day was approved as corrected.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 118. Placed on Select File as amended.
E & R amendments to LB 118:
AM5129

1. In lieu of the Chambers, Beyer, and Chambers-Beyer (originally Carsten-Marsh) amendments, and because section 60-311.01 requires county and individual numbers on plates, on page 2, line 11, strike "words Cornhusker State", show as stricken, and insert "word Nebraska".

2. In the Warner amendment, AM1081, (a) on

page 1, line 4, strike "(3)" and insert "(4)"; in line 11, strike "(4)" and insert "(5)"; and in line 23, strike "Section 1" and insert "Sec. 2."; and (b) on page 4, line 2, strike "3" and insert "4"; and in line 20 strike "5" and insert "6".

3. In the Sieck amendment, AM0878, on page 1, line 8, after the first "and" insert "in line 12".

4. In the Standing Committee amendments, on page 1, line 5, after "60- 302" insert an underscored comma.

5. On page 1, line 1, strike "section" and insert "sections 39-2215," and after "60-311," insert "and 60-311.14,"; in line 3, strike "provide for the purchase of" and insert "change provisions relating to", and strike "; and" and insert "as prescribed; to change provisions relating to certain highway funds; to provide a fee; to create a fund; to provide for plates for government-owned vehicles as prescribed; to provide a penalty; to harmonize provisions; to eliminate a requirement for identification on certain vehicles;"; and in line 4 strike "section" and insert "sections, and also section 60-1003, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency".

(Signed) Rod Johnson, Chairperson

MOTION - Approve Appointments

Mr. Fenger moved the adoption of the report of the Public Health and Welfare Committee for the following Governor appointment found in the Journal on page 1704: Mr. Vernon Miers, Commission of the Hearing Impaired.

Voting in the affirmative, 27:

Barrett	Beyer	Carsten	Chronister	DeCamp
Fenger	Goll	Hannibal	Hefner	Higgins
Jacobson	Johnson, R.	Kahle	Lamb	Lundy
Marsh	Newell	Pappas	Peterson, H.	Peterson, R.
Rupp	Vickers	Von Minden	Wagner	Warner
Wiitala	Withem			

Voting in the negative, 0.

Present and not voting, 7:

Beutler	Clark	Eret	Haberman	Johnson, L.
Nichol	Remmers			

Excused and not voting, 15:

Abboud	Chambers	Cullan	Fowler	Goodrich
Hoagland	Johnson, V.	Kilgarin	Labedz	Landis
Morehead	Pirsch	Schmit	Sieck	Wesely

The appointment was confirmed with 27 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

Mr. Fenger moved the adoption of the report of the Public Health and Welfare Committee for the following Governor appointments found in the Journal on page 1705: State Board of Health - Mrs. Phyllis Haberman, Mr. John J. Clark, Dr. Robert J. Hilkemann, Dr. Wade W. Nyquist, Dr. Robert Rosenlof, and Julie Brown Arfmann.

Voting in the affirmative, 30:

Barrett	Beyer	Carsten	Chronister	Clark
DeCamp	Eret	Fenger	Goll	Hannibal
Hefner	Jacobson	Johnson, L.	Johnson, R.	Kahle
Lamb	Lundy	Marsh	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Rupp	Vickers
Von Minden	Wagner	Warner	Wiitala	Withem

Voting in the negative, 0.

Present and not voting, 4:

Beutler	Haberman	Higgins	Remmers

Excused and not voting, 15:

Abboud	Chambers	Cullan	Fowler	Goodrich
Hoagland	Johnson, V.	Kilgarin	Labedz	Landis
Morehead	Pirsch	Schmit	Sieck	Wesely

The appointments were confirmed with 30 ayes, 0 nays, 4 present and not voting, and 15 excused and not voting.

ATTORNEY GENERAL'S OPINION

Opinion No. 89
April 20, 1983

Dear Senator Beutler:

This is in response to your letter of April 11, 1983, in which you request our opinion as to the constitutionality of a proposed amendment to LB 371 which provides that a divorce decree will contain a notice provision that a warrant be issued for the arrest of a respondent or petitioner who fails to pay child support or fails to appear on a date set by the court.

An arrest can be made with or without a warrant, but in either case it has to be based on probable cause. State v. Graves, 193 Neb. 797, 229 N.W.2d 538. Probable cause in the context of arrest warrants depends on the presence of two criteria: 1) the warrant and supporting documents must justify a finding of probable cause to believe that the offense has been committed; and 2) that the warrant and documents supporting it must demonstrate a sufficient basis for a finding of probable cause that the party named in the warrant committed the offense charged. U.S. ex rel. Grano v. Anderson, 446 F.2d 272 (3rd Cir. 1971).

Our first concern in reviewing the language of the "Notice" is that it does not specify how it will be determined that the respondent or petitioner has, in fact, not paid. It should be noted that the language states only, "In the event (respondent or petitioner) fails to pay any child support payment . . ." There is no procedure as to who will determine that payment has not been paid nor is there procedure set out as to how that information will be brought before the court on affirmation. Does the clerk of the district court make such an affirmation to the court? Or does an employee of the clerk of the district court? Or does the court merely take notice of the records of the clerk of the district court? These are questions which cannot be answered or determined by a reading of the notice provision of the bill.

We are aware that Neb.Rev.Stat. §42-358 (Reissue 1978) which is not amended by this Legislative Bill provides that the clerks of the district courts shall maintain delinquency records in which child support arrearages are certified to the court each month with provisions for contempt proceedings by an appointed attorney. It is not clear whether this notice provision in the divorce decree is meant to be a remedy in addition to that set out in §42-358 or whether it is to be in conjunction with that statute.

The proposed amendment to LB 371 with its notice provision appears to lack even the general procedure set out in §42-358 and is absent any specific criteria for determining that there is probable cause that there has been a failure to pay considered by a neutral and detached magistrate as required in Aguilar v. Texas, 378 U.S. 108 (1964).

We do not see a problem with the provisions providing for issuance of a warrant for failing to appear on a date set by the court. Where an

accused on whom a summons has been served fails to appear as directed by the summons, a court may issue a warranty for his arrest.

However, since the notice provision lacks a method to affirm that there has been a failure to pay, we are concerned as to whether the proposed amendment provides a procedural standard that comports with the Fourth and Fourteenth Amendments of the Constitution of the United States and Article I, Section 7 of the Constitution of the State of Nebraska.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Royce N. Harper
Assistant Attorney General

RNH:jmh
cc: Patrick J. O'Donnell
Clerk of the Legislature

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 602. With Emergency.

A BILL FOR AN ACT relating to appropriations; to make deficiency appropriations; to provide for transfer of certain funds; to amend Laws 1982, LB 756, section 1, Laws 1982, LB 761, sections 15, 22, 30, 36, and 62, and Laws 1982, Second Special Session, LB 1, sections 1, 3, 7, 8, 11, 13, 15, 20, 25, 27, 29, 33, 35, 36, 41, 47, 49, 50, 57, 58, and 59; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Barrett	Beyer	Carsten	Chronister	Cullan
DeCamp	Fenger	Fowler	Goll	Goodrich
Hannibal	Hefner	Higgins	Hoagland	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Labedz	Landis
Lundy	Marsh	Newell	Nichol	Pappas
Peterson, H.	Rupp	Schmit	Sieck	Vickers
Wagner	Warner	Wesely	Wiitala	Withem

Voting in the negative, 10:

Abboud	Clark	Eret	Haberman	Jacobson
Lamb	Peterson, R.	Pirsch	Remmers	Von Minden

Present and not voting, 1:

Beutler

Excused and not voting, 3:

Chambers Kilgarin Morehead

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT - Member Excused

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 73. Read. Considered.

LR 73 was adopted with 40 ayes, 0 nays, and 9 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 225.

A BILL FOR AN ACT relating to public health and welfare; to state intent; to provide education requirements for embalmers and funeral directors; to define terms; to provide exemptions; and to provide duties for the Department of Health.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Barrett	Beutler	Carsten	Chronister	Clark
Fenger	Fowler	Goll	Goodrich	Haberman

Hefner	Hoagland	Jacobson	Johnson, L.	Johnson, V.
Kahle	Labedz	Landis	Lundy	Marsh
Newell	Pappas	Peterson, H.	Peterson, R.	Remmers
Rupp	Schmit	Wagner	Warner	Wesely
Wiitala				

Voting in the negative, 13:

Abboud	Beyer	Cullan	Hannibal	Higgins
Johnson, R.	Lamb	Morehead	Nichol	Pirsch
Sieck	Vickers	Von Minden		

Present and not voting, 2:

Eret	Withem

Excused and not voting, 3:

Chambers	DeCamp	Kilgarin

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 225A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 225, Eighty-eighth Legislature, First Session, 1983.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Barrett	Carsten	Chronister	Clark	DeCamp
Fenger	Fowler	Goll	Goodrich	Haberman
Hefner	Hoagland	Jacobson	Johnson, L.	Johnson, V.
Kahle	Labedz	Landis	Lundy	Marsh
Newell	Pappas	Peterson, H.	Peterson, R.	Remmers
Rupp	Schmit	Wagner	Warner	Wesely
Wiitala	Withem			

Voting in the negative, 13:

Abboud	Beyer	Cullan	Hannibal	Higgins

Johnson, R.	Lamb	Morehead	Nichol	Pirsch
Sieck	Vickers	Von Minden		

Present and not voting, 2:

Beutler Eret

Excused and not voting, 2:

Chambers Kilgarin

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 236 to Select File

Mr. Beutler moved to return LB 236 to Select File for the following specific amendment:

After the word "landowner" in line 13, page 5 insert the following language

"or his or her heirs, assigns, or other transferors" strike "an" and insert, "a recordable" in line 8, page 5.

Mr. Schmit asked unanimous consent to pass over LB 236. No objections. So ordered.

MOTION - Return LB 319 to Select File

Mr. V. Johnson moved to return LB 319 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. V. Johnson asked unanimous consent to withdraw his motion to return LB 319 to Select File. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 319.

A BILL FOR AN ACT to amend section 48-604, Revised Statutes Supplement, 1982, as amended by section 2, Legislative Bill 248, Eighty-eighth Legislature, First Session, 1983, relating to unemployment insurance; to redefine a term; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Abboud	Beutler	Beyer	Carsten	Chronister
Clark	DeCamp	Eret	Fenger	Goll
Goodrich	Haberman	Hefner	Higgins	Johnson, L.
Johnson, R.	Kahle	Labedz	Lamb	Lundy
Marsh	Nichol	Pappas	Peterson, H.	Peterson, R.
Remmers	Rupp	Schmit	Sieck	Von Minden
Wagner	Warner	Wesely		

Voting in the negative, 15:

Barrett	Cullan	Fowler	Hannibal	Hoagland
Jacobson	Johnson, V.	Kilgarin	Landis	Morehead
Newell	Pirsch	Vickers	Wiitala	Withem

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 366.

A BILL FOR AN ACT to amend section 70-663, Reissue Revised Statutes of Nebraska, 1943, relating to public power and irrigation districts; to change provisions related to the notice and hearing of amendments; and to repeal the original section.

Whereupon the 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:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	Cullan	DeCamp	Eret	Fenger
Fowler	Goll	Goodrich	Haberman	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	Morehead

Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala	Withem			

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 412 to Select File

Mr. Warner moved to return LB 412 to Select File for his specific amendment, AM1222, found in the Journal on page 1723.

The motion to return prevailed with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 412. The Warner specific amendment, AM1222, found in the Journal on page 1723 was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 94 and 209.

Correctly Engrossed

The following bills were correctly engrossed: 158, 158A, 192, 198, 585, 585A, and 617.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 158A

The following changes, required to be reported for publication in the Journal, have been made:
ER0085

1. In the Wiitala amendment adopted April 20, in line 2, "Nineteen" has been stricken and "nineteen" inserted; and in lines 2 and 4 the period has been moved to follow the quotation mark.

Enrollment and Review Change to LB 198

The following changes, required to be reported for publication in the Journal, have been made:
ER0088

1. On page 1, line 3, after "33-105" a comma has been inserted.
2. On page 16, line 2, "or" has been inserted after "reservoir".

Enrollment and Review Change to LB 209
(Amendment to Final Reading Second)

The following changes, required to be reported for publication in the Journal, have been made:
ER0086

1. On page 1, line 4, after the semicolon, "to provide criteria for imposing a certain sanction;" has been inserted.

2. In the Goodrich amendment on page 1630 of the Journal, on page 1, line 5, an underscored comma has been inserted after "safety"; in line 6, "interfer" has been stricken and "interfere" inserted; and in line 8 "that" has been stricken.

Enrollment and Review Change to LB 585

The following changes, required to be reported for publication in the Journal, have been made:
ER0087

1. Because of the Remmers amendment adopted on 4/20, (a) on page 6, line 26, the colon has been stricken; and in line 27 "(1) The" has been stricken and "the" inserted; and (b) on page 7, line 1, "; and" has been stricken and a period inserted.

2. Because of the Vickers amendment 3 adopted on April 11, on page 5, line 23, "approved" has been stricken.

Enrollment and Review Change to LB 617

The following changes, required to be reported for publication in the Journal, have been made:
ER0083

1. On page 1, line 1, the comma has been stricken; in line 2 "54-827," has been stricken; and in line 9 after the semicolon "to provide powers and duties;" has been inserted.

2. On page 35, line 3, the first comma has been stricken; and in line 4 "54-827," has been stricken.

3. In the Standing Committee amendments (a) on page 1, line 3, "8" has been stricken and "7" inserted; (b) on page 3, line 16, "23" has been stricken and "21" inserted; and (c) on page 9, line 9, "81-2,162.06," has been stricken.

4. In the E & R amendments, on page 1, line 3, "81-2,162.06," has been stricken; in line 8 "25" has been stricken and "23" inserted; in line 9 "26" has been stricken and "24" inserted; and lines 16 and 17 have been stricken.

5. In the Appropriations Committee amendment (1) adopted April 18, 1983, in line 2 ", show as stricken," has been inserted after " 'and' "; in line 3 "a" has been stricken and "an underscored" inserted, and "duplicate" has been stricken and "duplicates" inserted; and the new inserted matter has been underscored.

6. In the Appropriations Committee amendment (2) adopted April 18, 1983, line 2, "27" has been stricken and "26" inserted, and in line 3, "29" has been stricken and "28" inserted.

(Signed) Tristi J. Wilson
E & R Attorney

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 605. 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, 1983, to June 30, 1984; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala	Withem			

Voting in the negative, 0.

Present and not voting, 1:

Johnson, L.

Excused and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 608. Passed over.

LEGISLATIVE BILL 264. With Emergency.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-715 and 54-1332, Reissue Revised Statutes of Nebraska, 1943; to eliminate state reimbursement for the destruction of certain livestock; to harmonize provisions; to eliminate certain provisions relating to agricultural premiums and diseased animals; to eliminate oil inspection programs; to repeal the original sections, and also sections 54-726, 54-726.02, 54-749, 54-1502, 54-1506, and 66-303 to 66-326, Reissue Revised Statutes of Nebraska, 1943, and section 2-103, Revised Statutes Supplement, 1982; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Abboud	Barrett	Beyer	Carsten	Chronister

Clark	Cullan	DeCamp	Fenger	Fowler
Goll	Goodrich	Haberman	Hannibal	Hefner
Higgins	Hoagland	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Sieck	Vickers	Von Minden	Wagner
Wesely	Wiitala	Withem		

Voting in the negative, 0.

Present and not voting, 5:

Beutler	Eret	Jacobson	Johnson, L.	Warner

Excused and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 268. With Emergency.

A BILL FOR AN ACT to amend section 24-730, Reissue Revised Statutes of Nebraska, 1943, relating to retired judges; to change provisions relating to compensation for temporary duty; 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala	Withem			

Voting in the negative, 0.

Present and not voting, 1:

Higgins

Excused and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 468. With Emergency.

A BILL FOR AN ACT relating to state investments; to provide that funds managed by the state investment officer pay a share of the expense of administering such investments; 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, 46:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Vickers	Von Minden	Wesely	Wiitala
Withem				

Voting in the negative, 0.

Present and not voting, 2:

Wagner Warner

Excused and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 498 to Select File

Mr. Landis moved to return LB 498 to Select File for the following specific amendment:
AM1280

(Amendments to Final Reading Copy)

1. On page 3, line 3, strike "(1)"; strike beginning with the first "a" in line 4 through "license" in line 8 and insert "an annually renewable retail or bottle club license as defined in section 53-124, or renewal of such a license,".

The motion to return prevailed with 38 ayes, 0 nays, 10 present ant not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 498. The Landis specific amendment, AM1280, found in this day's Journal was adopted with 38 ayes, 0 nays, 10 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 539. With Emergency.

A BILL FOR AN ACT to amend sections 2-4302, 2-4303, 2-4310, 2-4319, 2-4320, 2-4322, 2-4323, 2-4325, and 2-4326, Revised Statutes Supplement, 1982, relating to agriculture; to redefine terms; to clarify application; to provide duties for certain manufacturers, distributors, and retailers; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 539A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 539, Eighty-eighth Legislature, First Session, 1983; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Cullan	DeCamp	Eret
Fowler	Goll	Goodrich	Haberman	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala	Withem			

Voting in th negative, 0.

Present and not voting, 1:

Fenger

Excused and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 396 to Select File

Mr. V. Johnson moved to return LB 396 to Select File for the following specific amendment:

Amend Section 7 to read:

"Sections 1 through 6 of this act shall be operative for all taxable years commencing on and after January 1, 1984. The repealer of section 77-3506, Reissue Revised Statutes of Nebraska, 1943, shall be operative for all taxable years commencing on or after January 1, 1983."

On page 6, line 17, after "1943," add "are repealed, effective on January 1, 1984."

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.

Mr. V. Johnson asked unanimous consent to withdraw his pending motion to return LB 396. No objections. So ordered.

MOTION - Bracket LB 396

Mr. Newell moved to bracket LB 396 until the Speaker would schedule it in conjunction with other important Revenue measures.

The Newell motion lost with 12 ayes, 29 nays, and 8 present and not voting.

MOTION - Return LB 396 to Select File

Mr. DeCamp moved to return LB 396 to Select File for the following specific amendment:

"Strike the enacting clause"

Mr. DeCamp asked unanimous consent to withdraw his pending motion to return LB 396. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 396. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to eliminate certain homestead exemptions; to harmonize provisions; to amend sections 77-3510, 77-3512, 77-3513, 77-3514, 77-3516, and 77-3524, Reissue Revised Statutes of Nebraska, 1943; to provide an operative date; to repeal the original sections, and also section 77-3506, 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, 27:

Barrett	Beutler	Carsten	Chambers	Clark
Cullan	Fowler	Goodrich	Hannibal	Hoagland
Jacobson	Johnson, R.	Johnson, V.	Kahle	Lamb
Landis	Lundy	Marsh	Morehead	Nichol
Pappas	Schmit	Sieck	Vickers	Warner
Wesely	Withem			

Voting in the negative, 22:

Abboud	Beyer	Chronister	DeCamp	Eret
Fenger	Goll	Haberman	Hefner	Higgins
Johnson, L.	Kilgarin	Labedz	Newell	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Von Minden
Wagner	Wiitala			

Not voting, 0.

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 26:

Barrett	Beutler	Carsten	Chambers	Clark
Cullan	Fowler	Goodrich	Hannibal	Hoagland
Jacobson	Johnson, R.	Kahle	Lamb	Landis
Lundy	Marsh	Morehead	Nichol	Pappas
Schmit	Sieck	Vickers	Warner	Wesely
Withem				

Voting in the negative, 23:

Abboud	Beyer	Chronister	DeCamp	Eret
Fenger	Goll	Haberman	Hefner	Higgins
Johnson, L.	Johnson, V.	Kilgarin	Labedz	Newell
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Von Minden	Wagner	Wiitala		

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 602, 225, 225A, 319, 366, 605, 264, 268, 468, 539, and 539A.

UNANIMOUS CONSENT - Print in Journal

Mrs. Higgins asked unanimous consent to print the following amendment to LB 273 in the Journal. No objections. So ordered.

On line 5 of the Standing Committee Amendment strike the "." after the word "orderly" and insert the following: "if satisfactory evidence is submitted to the Department that such employee has successfully completed a course of training comparable to that required by this act."

UNANIMOUS CONSENT - Members Excused

Messrs. R. Johnson and Rupp asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 215. Considered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM0797, found in the Journal on page 1125. No objections. So ordered.

Mr. Wiitala offered the following amendment:
AM1275

1. On page 4, strike beginning with "shall" in line 9 through "agent" in line 15 and insert "may accept an order for title insurance business, issue a title insurance policy, or receive or retain any premium, charge, or portion thereof, in connection with any transaction if (1) the title insurance company or title insurance agent knows or has reason to believe that such transaction will constitute controlled business for such company or agent and (2) twenty per cent or more of the gross revenue of the title insurance company or title insurance agent in the calendar year in which the transaction takes place is derived from controlled business"; and in line 16 strike "No" and insert "Except to the extent permitted in section 2 of this act, no".

2. On page 8, strike beginning with the comma in line 10 through "act" in line 15.

Mr. Beutler offered the following amendment to the Wiitala amendment:

In line 3 after the word "business" insert "from a producer of title insurance" and in line 13 strike "controlled business" and insert "that producer of title insurance"

The Beutler amendment was adopted with 22 ayes, 0 nays, 25 present and not voting, and 2 excused and not voting.

The Wiitala amendment, as amended, was adopted with 27 ayes, 1 nay, 19 present and not voting, and 2 excused and not voting.

MR. V. JOHNSON PRESIDING

Mr. Wiitala moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Advanced to E & R for Review with 25 ayes, 13 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 344. Considered.

Mr. DeCamp renewed his pending amendment, AM0944, found in the Journal on page 1688.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The DeCamp pending amendment was adopted with 25 ayes, 10 nays, 12 present and not voting, and 2 excused and not voting.

Mr. DeCamp renewed his pending amendment, AM0952, found in the Journal on page 1254.

The DeCamp amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. Chambers moved to indefinitely postpone LB 344.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Fowler moved to recess. The motion prevailed.

VISITORS

Visitors to the Chamber were 20 eighth grade students, teachers, and sponsors from Osceola; 55 third and fourth grade students and teachers from Norwood Park School, Lincoln; Col. Mlynek from Offutt Air Force Base; 10 students, teacher, and sponsors from District 92, North Bend; and 18 students, teacher, and sponsors from Tecumseh.

RECESS

At 12:03 p.m., on a motion by Mr. Fowler, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mr. Clark presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Carsten, Fowler, Haberman, Hoagland, R. Johnson, V. Johnson, Newell, Nichol, Rupp, Schmit, Mesdames Labedz, Morehead, and Pirsch who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 344. Mr. Chambers renewed his pending motion to indefinitely postpone.

Mr. Chambers asked unanimous consent to withdraw his pending motion to indefinitely postpone LB 344. No objections. So ordered.

Mr. DeCamp asked unanimous consent to pass over LB 344. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 26, 1983, at 12:43 p.m., were the following bills: 602, 225, 225A, 319, 366, 605, 264, 268, 468, 539, and 539A.

(Signed) Pamela Moravec, Enrolling Clerk

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 553. Placed on General File.

(Signed) Steve Fowler, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 59 in the Journal. No objections. So ordered.

AM1283

1. On page 2, lines 10 through 27, strike the new matter and reinstate the stricken matter.

2. On page 4, line 19, strike "than two per cent nor more" and show as stricken; and in line 23 after the period insert "Up to four-sevenths of the seven per cent excess may be transferred to other funds. Such transferred funds shall remain part of the seven per cent excess and shall be repaid within eighteen months. Except as otherwise specifically provided in

this subdivision the provisions of sections 84-609 to 84-611, including interest provisions, shall apply to transfer of funds under this subdivision.".

MESSAGE FROM THE GOVERNOR

April 26, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 169 was received in my office on April 20, 1983.

This bill was signed by me on April 26, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Pappas asked unanimous consent to have his name added as co-introducer to LR 19. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 18. Considered.

Miss Kilgarin and Mr. Barrett renewed their pending amendment, AM0833, found in the Journal on page 1203.

Miss Kilgarin moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The Kilgarin-Barrett amendment was adopted with 26 ayes, 6 nays, 7 present and not voting, and 10 excused and not voting.

The Chair declared the Call raised.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 6 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 18A. Title read. Considered.

Miss Kilgarin offered the following amendment:
PURPOSE: To appropriate funds for LB 18.
AMENDMENT:

Page 2, line 15, strike "thirty" and insert "Nine". On line 17 and 18, strike "thirty-one thousand five hundred" and insert "Nine thousand four hundred fifty".

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 Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 524. Title read. Considered.

Standing Committee amendments, AM0496, found in the Journal on page 714 for the Thirty-Sixth Day were adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mrs. Labedz renewed her pending amendment, AM0705, found in the Journal on page 941.

Mr. Barrett renewed his pending amendment, AM0934, found in the Journal on page 1213 to the Labedz pending amendment.

The Barrett amendment was adopted with 27 ayes, 8 nays, 10 present and not voting, and 4 excused and not voting.

Mr. Wiitala offered the following amendment to the Labedz pending amendment:
AM1024

1. In the Labedz amendment on page 941 of the Journal, as amended by the Barrett amendment on page 1, line 15, strike "and over" and reinstate "through $2,950.00"; reinstate the new matter beginning with "2,950.01" in line 16 through "3,000.01" in line 17; and in line 17 after "3,000.01" insert "and over" and reinstate "124.00".

Messrs. Kahle and Lundy asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 9 nays, and 24 not voting.

The Wiitala amendment lost with 12 ayes, 18 nays, 13 present and not voting, and 6 excused and not voting.

The Labedz amendment, as amended, was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Messrs. Hefner and Vickers renewed their pending amendment, AM1168, found in the Journal on page 1582.

Mr. Barrett requested a ruling of the Chair on whether the Hefner-Vickers amendment is germane to the bill.

The Chair ruled the amendment not germane to the bill.

Mr. Hefner withdrew his pending amendment, AM1238, found in the Journal on page 1687.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 621. Placed on Select File as amended.
E & R amendment to LB 621:
AM5131

1. On page 4, line 20, strike "presentaiton" and insert "presentation"; and in line 25, strike "2" and insert "3".

LEGISLATIVE BILL 408. Placed on Select File as amended.
E & R amendments to LB 408:
AM5130

1. On page 1, line 2, strike "sell" and insert "convey"; in line 3, strike "and"; and in line 4 after "severability" insert "; and to declare an emergency".

2. In the Warner amendment, AM1236, on page 3, line 14, strike "one".

3. Because of section 5 added by the Warner amendment, AM1236, strike the first Warner amendment adopted on page 1680 of the Journal.

(Signed) Rod Johnson, Chairperson

MESSAGE FROM THE GOVERNOR

April 26, 1983

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

Dear Mr. President and Senators:

I hereby return LB 64 without my signature and with my objections.

LB 64 places significant restrictions on the Governor's discretion in the future as to the use of block grant monies that come to the state through a contract between its executive branch and the federal government. By limiting gubernatorial discretion, this Act would, in effect, limit the ability of the state to respond to the most pressing human needs in a timely manner and utilize the available resources in the most effective manner allowed by the federal legislation.

The Department of Public Welfare (soon to be the Department of Social Services [DSS]) currently has the responsibility to administer many programs that assist the low-income population of the state. Transferring from the DDS to the Energy Office the administration of LIEAP block grant funds that assist the disadvantaged and needy people to pay their heating bills would create confusion among the clients served, duplication in client intake activities and inefficient use of existing organizational and staff resources.

I therefore urge you to sustain my veto.

Sincerely,
(Signed) ROBERT KERREY
Governor

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 617 in the Journal. No objections. So ordered.

AM1195

(Amendments to the Final Reading Copy)

1. On page 9, in lines 4 through 10, strike the new matter.

2. On page 18, line 18, after "impairment" insert ", except that no fee shall be charged for the screening of phenylketonuria or primary hypothyroidism".

Mr. R. Peterson asked unanimous consent to print the following amendment to LB 617 in the Journal. No objections. So ordered.

Page 26, line 25, strike the new matter and insert "three dollars per colony, but not to exceed twenty- five dollars"

GENERAL FILE

LEGISLATIVE BILL 560. Considered.

Mr. Newell withdrew his pending amendment found in the Journal on page 1438 to the Hannibal amendment.

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hannibal renewed the pending Hannibal et al amendment, AM0943, found in the Journal on page 1241 and considered on page 1438.

The Hannibal et al amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Abboud renewed his pending amendment, AM0987, found in the Journal on page 1325.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

The Abboud amendment was adopted with 25 ayes, 2 nays, 15 present and not voting, and 7 excused and not voting.

Mr. V. Johnson moved to indefinitely postpone LB 560.

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. Wesely moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. V. Johnson requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 21:

Barrett	Beutler	Beyer	Chambers	Cullan
Fowler	Goll	Higgins	Hoagland	Johnson, V.
Kahle	Kilgarin	Landis	Newell	Nichol
Pappas	Remmers	Vickers	Wagner	Warner
Wiitala				

Voting in the negative, 22:

Abboud	Carsten	Chronister	Clark	DeCamp
Fenger	Goodrich	Hannibal	Hefner	Jacobson
Johnson, L.	Lamb	Lundy	Marsh	Morehead
Peterson, H.	Peterson, R.	Pirsch	Schmit	Von Minden
Wesely	Withem			

Present and not voting, 1:

Eret

Absent and not voting, 1:

Sieck

Excused and not voting, 4:

Haberman	Johnson, R.	Labedz	Rupp

The V. Johnson motion lost with 21 ayes, 22 nays, 1 present and not voting, 1 absent and not voting, and 4 excused and not voting.

Mr. Wesely requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 22:

Abboud	Carsten	Chronister	Clark	Eret
Fenger	Goodrich	Hannibal	Hefner	Jacobson
Johnson, L.	Lamb	Lundy	Marsh	Morehead

Peterson, H.	Peterson, R.	Pirsch	Schmit	Von Minden
Wesely	Withem			

Voting in the negative, 21:

Barrett	Beutler	Beyer	Chambers	Cullan
Fowler	Goll	Higgins	Hoagland	Johnson, V.
Kahle	Kilgarin	Landis	Newell	Nichol
Pappas	Remmers	Vickers	Wagner	Warner
Wiitala				

Present and not voting, 1:

DeCamp

Absent and not voting, 1:

Sieck

Excused and not voting, 4:

Haberman	Johnson, R.	Labedz	Rupp

Failed to advance to E & R for Review with 22 ayes, 21 nays, 1 present and not voting, 1 absent and not voting, and 4 excused and not voting.

ATTORNEY GENERAL'S OPINION

Opinion No. 90
April 19, 1983

Dear Senator Beutler:

This is in response to your letter of April 14, 1983, in which you request our opinion pertaining to legislation which is currently pending.

Specifically, you ask whether a proposed amendment to LB 371 would effectively waive the state's sovereign immunity and allow the state to answer interrogatories which are issued in child support proceedings pursuant to Neb.Rev.Stat. §§42-364.01 et seq. (Reissue 1978).

The general rule in Nebraska is that no suit can be maintained against the state unless authorized by specific legislative provision, nor can the state be made a party to any suit absent express statutory authority pertaining to the manner by which service is to be obtained upon the state. Anstine v. State, 137 Neb. 148, 288 N.W. 525 (1939);

Offutt Housing Company v. County of Sarpy, 160 Neb. 320, 70 N.W.2d 382 (1955).

Neb.Rev.Stat. §42-364.05 (Reissue 1978) provides that the court entering the child support payment order "shall have jurisdiction of any employer who transacts any business in the state."

"Employer" is then defined by Neb.Rev.Stat. §42-364.11 (Reissue 1978) to include any "political subdivision, or department of the state in possession of earnings.

It is apparent, then that §§42-364.05 and 42-364.11 are specific legislative provisions which would authorize a suit against the state, all within the meaning of the cases just cited. However, there must also be express statutory authority pertaining to the manner by which service is to be obtained upon the state in order for the waiver of sovereign immunity to be complete within the meaning of the cases cited.

The amendment to LB 371, which is directed towards satisfying the service of process requirements of Anstine, supra, and Offutt Housing Company, supra, would apparently be sufficient, in light of the cases and statutory provisions just cited, to complete the waiver of the state's sovereign immunity pertaining to child support proceedings.

That amendment states, insofar as relevent here, that: "When the employer is the State of Nebraska or a Department of the state, service shall be had upon said employer by causing to be served upon the Director of Administrative Services a copy of the application, notice of hearing, and interrogatories."

The language employed in said proposed amendment is sufficiently clear so that construction of the provision is unnecessary (Gibson v. Peterson, 118 Neb. 218, 224 N.W. 272 (1929)); and, when read in light of §§42-364.05 and 42-364.11, it would be sufficient to require the state to respond to interrogatories propounded by the district court having jurisdiction over the child support matter.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Frank J. Hutfless
Assistant Attorney General

FJH:pjs
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 410 in the Journal. No objections. So ordered.

AM1252

(Amendments to the Final Reading Copy)

1. On page 8, line 15, after the semicolon insert "and"; strike beginning with the semicolon in line 18 through "dollars" in line 21; and strike beginning with the second comma in line 23 through "projects" in line 24.

Mr. Hoagland asked unanimous consent to print the following amendment to LB 410 in the Journal. No objections. So ordered.

PURPOSE: To delete funding for the UNO land acquisition in order to provide increased funding for the operations of the University in FY 1984-85 through FY 1994-95.

AMENDMENT:

On page 3 of committee amendments AM0895, in lines 13 and 14, delete "one million seven hundred sixty-five thousand one hundred fifty-three" and insert "one million four hundred thirty-seven thousand six hundred forty-three".

On page 5 of committee amendments AM0895, in line 8, strike beginning with ";" through line 11.

On page 6 of committee amendments AM0895, in lines 3 and 4, strike "twelve million two hundred thousand" and insert "nine million seven hundred twenty-two thousand".

On page 4 of LB 410, in line 19 after "Sixth", insert the following, "beginning July 1, 1984 through June 30, 1995, three hundred twenty-seven thousand dollars be appropriated to the University of Nebraska for increased operating support."; strike "the" and insert "The".

Mr. Hoagland asked unanimous consent to print the following amendment to LB 410A in the Journal. No objections. So ordered.

On page 2, in line 14, strike "seven hundred sixty-five thousand one hundred fifty-three" and insert "four hundred thirty-seven thousand six hundred forty-three".

Mr. Newell asked unanimous consent to print the following amendment to LB 213 in the Journal. No objections. So ordered.

AM1288

1. Insert the following new section:

"Section 1. That section 53-177, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-177. ~~No~~ (1) Except as provided in subsection (2) of this act, no license shall be issued

for the sale at retail of any alcoholic liquor within one hundred ~~and~~ fifty feet of any church, school, hospital, or home for aged or indigent persons or for veterans, their wives, or children, except ~~;PROVIDED,~~ that this prohibition shall not apply ~~(1)~~ (a) to any location within such distance of one hundred ~~and~~ fifty feet for which a license to sell alcoholic liquors at retail has been granted by the ~~Nebraska Liquor Control Commission~~ commission for two years continuously prior to making of application for license, and ~~(2)~~ (b) to hotels offering restaurant service, regularly organized clubs or to restaurants, food shops, or other places where sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such purposes prior to May 24, 1935. No alcoholic liquor, other than beer, shall be sold for consumption on the premises within three hundred feet from the campus of any college or university in the state.

(2) Under extraordinary circumstances, as determined by the commission, the commission may issue a license defined under subdivision (5)B of section 53-124 within one hundred fifty feet of any church if the commission finds or determines that the issuance of such license is or will be required by the present or future public convenience and necessity pursuant to section 53-132. In making a determination of extraordinary circumstances pursuant to this subsection, the commission shall consider (a) the existance or absence of any opposition, support, or indifference of any church situated or located within one hundred fifty feet of the proposed licensed premises, and (b) any other information or facts deemed pertinent by the commission to this determination.

Sec. 2. That original section 53-177, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 142.

Correctly Engrossed

The following bills were correctly engrossed: 174 and 433.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 174

The following changes, required to be reported for publication in the Journal, have been made:
ER0084

1. On page 1, the matter beginning with "and" in line 2 through the comma in line 4 has been stricken; and in line 7 "a penalty" has been stricken and "penalties; to provide an affirmative defense" inserted.

Enrollment and Review Change to LB 433

The following changes, required to be reported for publication in the Journal, have been made:
ER0089

1. On page 1, line 7, after the semicolon "to provide an operative date;" has been inserted.

2. In the Standing Committee amendments, on page 2, line 8, underscoring has been supplied to "in".

3. Because of the Wiitala amendments, AM0973, Standing Committee amendment 1 has been stricken.

4. In the E & R amendment, on page 1, line 6, underscoring has been supplied to "or to"; in line 10, the underscoring has been stricken from the quotation mark and the period; in line 12 after the comma "line 27," has been inserted; and in lines 15 and 18 "a" has been stricken and "an underscored" inserted.

5. In the Wiitala amendment, AM1227, on page 1, line 11, "Jan. 1" has been stricken and "January 1," inserted.

(Signed) Tristi J. Wilson
E & R Attorney

ANNOUNCEMENT

Mr. Warner announced that public testimony will be heard on the Warner amendment to LB 632, printed on page 1691 of the Legislative Journal, providing for the creation of the State Employee's Salary Fund, during the public hearing for LB 632, providing for the state to finance the increase in state employee health insurance premiums, currently scheduled for Thursday, April 28, 1983, at 7:00 p.m. in Room 1520.

MOTION - Override Governor's Veto on LB 64

Mr. Landis moved that LB 64 become law, notwithstanding the objection of the Governor.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 214 in the Journal. No objections. So ordered.

AM1263

(Amendments to Final Reading Copy)

1. On page 5, line 4, strike "(10)", show as stricken, and insert "(11)".

UNANIMOUS CONSENT - Bracket LB 617

Mr. Warner asked unanimous consent to bracket LB 617 on Final Reading pending amendments. No objections. So ordered.

UNANIMOUS CONSENT - Print White Copy of LB 336

Mr. Hefner asked unanimous consent to print white copy of LB 336. No objections. So ordered.

VISITORS

Visitors to the Chamber were 14 eighth grade students and teachers from Axtell; 15 students and adults from District 82, Cummings County; Dr. Robert Smith from Norfolk; Mrs. Mary McVaney and her son, Dr. Tim McVaney; and 12 students from Kearney State College.

ADJOURNMENT

At 4:31 p.m., on a motion by Mr. R. Peterson, the Legislature adjourned until 8:30 a.m., Wednesday, April 27, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-SECOND DAY - APRIL 27, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

SEVENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 27, 1983

Pursuant to adjournment, the Legislature met at 8:37 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Nancy Flader, Lakeview United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Jacobson who was excused; and Messrs. Beyer, Cullan, Hoagland, V. Johnson, Newell, Rupp, Schmit, Von Minden, Wesely, Wiitala, Mesdames Higgins, Labedz, Morehead, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-First Day was approved.

ANNOUNCEMENT

TO:	All Committee Chairpersons
FROM:	Vard R. Johnson, Chairman Legislative Council Executive Board
SUBJECT:	Interim Study Resolutions
DATE:	April 25, 1983

In keeping with the procedure followed during the 1982 legislative session, the Committees are being asked to develop a priority listing of all Resolutions initially referred to them. At this point we are not setting any limitations on the number of studies a Committee may undertake but, given the economic situation and the Governor's recommendation to cut $1.2 million from the Legislative Council budget, I would ask you

to group and eliminate any studies that have been undertaken in the immediate past. Any expenditures of Legislative Council funds for items outside the normal expense must be submitted to the Board for approval prior to the expenditure of those funds.

The following timetable has been established for the processing of the interim studies:

1. The deadline for introduction of Study Resolutions will be Friday, May 6, 1983.

2. The Executive Board will make a preliminary reference recommendation of all interim study resolutions by Monday, May 9, 1983, based on the reference report recommendation of Dr. Rogers.

3. Following the preliminary references of the Executive Board to the Committees, the Committees are to rank the Resolutions by priority and submit the listing to the Board by May 16, 1983. The Executive Board will then consider the priority listing and submit a final reference report to the Legislature by May 18, 1983.

The Board will have to take into account legislative appropriations in its final assessment of interim study resolutions. The Board will also consider the workload of each Committee in assessing the number and kinds of studies undertaken.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 239. Placed on Select File as amended.
E & R amendments to LB 239:
AM5132

1. On page 1, line 1, after "ACT" insert "relating to industrial loan and investment companies;", strike "section" and insert "sections", and after "8-403.03" insert "and 8-435"; strike beginning with "relating" in line 2 through "companies" in line 3 and insert "and section 21-17,131, Reissue Revised Statutes of Nebraska, 1943, as amended by section 6, Legislative Bill 252, Eighty-eighth Legislature, First Session, 1983"; in line 5 after the semicolon insert "to change provisions relating to authorized loans and charges; to redefine a term;"; and in line 6 strike "section" and insert "sections".

2. On page 2, line 13, strike "section" and insert "sections".

3. In the Schmit amendment, AM1026, adopted April 25, on page 1, line 14, strike beginning with the semicolon through the last quotation mark; and strike amendment 3.

4. In the Schmit amendment, AM1173, adopted

April 25, on page 1, line 2, strike "2" and insert "3".

Correctly Enrolled

The following bill was correctly enrolled: 396.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Beyer, Fenger, and Withem asked unanimous consent to print the following amendment to LB 118 in the Journal. No objections. So ordered.

AM1205

1. Insert the following new section:

"Sec. 3. That section 60-311.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-311.01. Commencing with the year ~~1952~~ 1987, registration of motor vehicles shall be carried out by counties. Each county in the state shall show on vehicles licensed therein a county number on the license plate preceding a dash which shall then be followed by the individual number assigned to the motor vehicle, and which identification number, excluding the county prefix number, may be combined with letters of the same height. The county numbers assigned to the counties in Nebraska shall be as follows:

No.	Name of County	No.	Name of County
~~1~~	~~Douglas~~	~~2~~	~~Lancaster~~
~~3~~	~~Gage~~	~~4~~	~~Custer~~
~~5~~	~~Dodge~~	~~6~~	~~Saunders~~
~~7~~	~~Madison~~	~~8~~	~~Hall~~
~~9~~	~~Buffalo~~	~~10~~	~~Platte~~
~~11~~	~~Otoe~~	~~12~~	~~Knox~~
~~13~~	~~Cedar~~	~~14~~	~~Adams~~
~~15~~	~~Lincoln~~	~~16~~	~~Seward~~
~~17~~	~~York~~	~~18~~	~~Dawson~~
~~19~~	~~Richardson~~	~~20~~	~~Cass~~
~~21~~	~~Scotts Bluff~~	~~22~~	~~Saline~~
~~23~~	~~Boone~~	~~24~~	~~Cuming~~
~~25~~	~~Butler~~	~~26~~	~~Antelope~~
~~27~~	~~Wayne~~	~~28~~	~~Hamilton~~
~~29~~	~~Washington~~	~~30~~	~~Clay~~
~~31~~	~~Burt~~	~~32~~	~~Thayer~~

~~33 Jefferson~~ ~~34 Fillmore~~
~~35 Dixon~~ ~~36 Holt~~
~~37 Phelps~~ ~~38 Furnas~~
~~39 Cheyenne~~ ~~40 Pierce~~
~~41 Polk~~ ~~42 Nuckolls~~
~~43 Colfax~~ ~~44 Nemaha~~
~~45 Webster~~ ~~46 Merrick~~
~~47 Valley~~ ~~48 Red Willow~~
~~49 Howard~~ ~~50 Franklin~~
~~51 Harlan~~ ~~52 Kearney~~
~~53 Stanton~~ ~~54 Pawnee~~
~~55 Thurston~~ ~~56 Sherman~~
~~57 Johnson~~ ~~58 Nance~~
~~59 Sarpy~~ ~~60 Frontier~~
~~61 Sheridan~~ ~~62 Greeley~~
~~63 Boyd~~ ~~64 Morrill~~
~~65 Box Butte~~ ~~66 Cherry~~
~~67 Hitchcock~~ ~~68 Keith~~
~~69 Dawes~~ ~~70 Dakota~~
~~71 Kimball~~ ~~72 Chase~~
~~73 Gosper~~ ~~74 Perkins~~
~~75 Brown~~ ~~76 Dundy~~
~~77 Garden~~ ~~78 Deuel~~
~~79 Hayes~~ ~~80 Sioux~~
~~81 Rock~~ ~~82 Keya Paha~~
~~83 Garfield~~ ~~84 Wheeler~~
~~85 Banner~~ ~~86 Blaine~~
~~87 Logan~~ ~~88 Loup~~
~~89 Thomas~~ ~~90 McPherson~~
~~91 Arthur~~ ~~92 Grant~~
~~93 Hooker~~

1 Douglas 2 Lancaster
3 Sarpy 4 Hall
5 Scotts Bluff 6 Lincoln
7 Dodge 8 Buffalo
9 Madison 10 Adams
11 Platte 12 Gage
13 Dawson 14 Cass
15 Saunders 16 Dakota
17 Seward 18 Washington
19 Otoe 20 York
21 Custer 22 Box Butte
23 Holt 24 Saline
25 Red Willow 26 Cuming
27 Knox 28 Cedar

29 Richardson	30 Cheyenne
31 Colfax	32 Wayne
33 Jefferson	34 Phelps
35 Dawes	36 Keith
37 Butler	38 Hamilton
39 Merrick	40 Burt
41 Antelope	42 Pierce
43 Nemaha	44 Clay
45 Fillmore	46 Thayer
47 Sheridan	48 Boone
49 Thurston	50 Dixon
51 Kearney	52 Howard
53 Cherry	54 Nuckolls
55 Stanton	56 Furnas
57 Polk	58 Morrill
59 Valley	60 Johnson
61 Kimball	62 Webster
63 Chase	64 Nance
65 Brown	66 Franklin
67 Harlan	68 Sherman
69 Hitchcock	70 Pawnee
71 Frontier	72 Perkins
73 Greeley	74 Boyd
75 Dundy	76 Garden
77 Deuel	78 Rock
79 Garfield	80 Gosper
81 Sioux	82 Hayes
83 Keya Paha	84 Wheeler
85 Hooker	86 Logan
87 Thomas	88 Banner
89 Grant	90 Blaine
91 Loup	92 McPherson
93 Arthur".	

2. On page 1, line 1, after "amend" insert "section 60-311.01, Reissue Revised Statutes of Nebraska, 1943, and"; in line 3 after the semicolon insert "to change a provision relating to identification by counties as prescribed;"; and in line 4 strike "section" and insert "sections".

3. On page 3, line 11, after "original" insert "section 60-311.01, Reissue Revised Statutes of Nebraska, 1943, and"; and in line 12 strike "is" and insert "are".

4. Renumber the remaining sections accordingly.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 212 in the Journal. No objections. So ordered.

1. Add the following new sections:

"Section 1. That section 68-104, Revised Statutes Supplement, 1982, be amended to read as follows:

68-104. The Department of Public Welfare shall be the overseer of the poor and shall be vested with the entire and exclusive superintendence of the poor in this state, except that subject to the limitations of section 68-1022 the county board of each county shall furnish such medical service as may be required for the poor of the county who are not eligible for other medical assistance programs. In providing medical and hospital care for the poor, the county board shall make use of any existing facilities, including ~~tax-supported~~ tax-supported hospitals and charitable clinics so far as the same may be available and shall use the financial eligibility criteria established for the standard of need developed by the Department of Public Welfare pursuant to section 68-126.

Sec. 2. That section 68-105, Revised Statutes Supplement, 1982, be amended to read as follows:

68-105. It shall be the duty of the Department of Public Welfare to provide all poor persons who meet the requirements of the department, and who are unable to earn a livelihood in consequence of any unavoidable cause, with the necessaries of life. The Department of Public Welfare shall pay all administrative costs associated with the county medical service program. Every person to whom the care of any such poor person shall be entrusted shall execute a bond to the department conditioned that he or she will treat such poor person with humanity, and afford to him or her the necessary comforts of life, fitted to his or her condition. Such bond shall set forth the sum to be paid by the department for keeping such poor person.

Sec. 3. That section 68-703, Revised Statutes Supplement, 1982, be amended to read as follows:

68-703. The powers and duties of the Director of Public Welfare are as follows:

(1) To administer the Department of Public Welfare as provided by law;

(2) To determine the general principles and outline the operation of public assistance, child welfare, and related activities;

(3) To establish rules and regulations which are in conformance with section 68-129 for efficiently administering the department and performing the duties assigned to it;

(4) To organize the department;

(5) To appoint and fix the salaries of all necessary staff for performance of the duties of the department and in compliance with the rules and regulations of the merit system;

(6) To consult and cooperate with the Department of Public Institutions and the Department of Correctional Services so as to coordinate in an effective manner the welfare activities of the department with those related activities affecting the welfare of persons in state institutions which are the responsibility of the Department of Public Institutions or the Department of Correctional Services;

(7) To consult and, under the general direction and guidance of the Adjutant General and the state Civil Defense Agency, to coordinate programs to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster;

(8) To take the official oath; ~~and~~

(9) To make an annual report to the Governor and prepare a biennial budget for the department, and make such other studies and reports as may be deemed necessary; and

(10) To adopt and promulgate rules and regulations for general assistance and medical service programs authorized under sections 68-103 and 68-104.

The director shall be bonded under the blanket surety bond required by section 11-201.

Sec. 4. That section 68-717, Revised Statutes Supplement, 1982, be amended to read as follows:

68-717. The Department of Public Welfare shall assume the sole responsibility for all public assistance delegated to county boards and administered by the county boards or divisions of public welfare, including, but not limited to, aid to families with dependent children, emergency assistance, general assistance or direct county relief, ~~medical assistance,~~

assistance to the aged, blind, or disabled, crippled children's services, commodities, and food stamps. On and after July 1, 1985, the department shall also assume the sole responsibility for medical assistance.

Sec. 5. That section 68-1022, Revised Statutes Supplement, 1982, be amended to read as follows:

68-1022. Except for care in a state institution and care on behalf of persons who have a right of residence on any reservation under the jurisdiction of the government of the United States, the cost of medical assistance paid by the county in which the recipient may have a legal settlement shall be eighteen per cent commencing July 1, 1979. Commencing July 1, 1980, the county shall pay sixteen per cent of the cost of such medical assistance. Commencing July 1, 1981, the county shall pay fourteen per cent of the cost of such medical assistance. Commencing July 1, 1984, the county shall pay seven per cent of the cost of such medical assistance. Commencing July 1, ~~1983~~ 1985, and thereafter, medical assistance shall be paid from state funds and such funds as may be allocated by the government of the United States.

Sec. 6. This act shall become operative on July 1, 1983.

Sec. 7. That original sections 68-104, 68-105, 68-703, 68-717, and 68-1022, Revised Statutes Supplement, 1982, are repealed.

Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Renumber original sections accordingly.

Mr. Carsten asked unanimous consent to print the following amendment to LB 227 in the Journal. No objections. So ordered.

AM1286

1. Insert the following new section:

"Sec. 3. A line item shall be included in the State Department of Education budget to adequately fund the salary schedules for both the Nebraska School for the Deaf and the Nebraska School for the Visually Handicapped as negotiated in good faith.".

2. On page 1, line 3, after "salaries" insert "; and to provide duties".

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill and resolution: LB 396 and LR 73.

RESOLUTION

LEGISLATIVE RESOLUTION 74. Read. Considered.

Mrs. Marsh asked unanimous consent to add her name to LR 74. No objections. So ordered.

LR 74 was adopted with 30 ayes, 0 nays, and 19 not voting.

MOTION - Return LB 207 to Select File

Mr. Beutler moved to return LB 207 to Select File for the following specific amendment:

(1) delete lines 23 thru 27, page 2

(2) delete lines 1 thru 22, page 3

(3) insert the following new language at the end of Section 2: "The State Board of Vocational Education shall be apprised of all interdistrict school agreements at the time such agreements are executed"

The motion to return prevailed with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 207. The Beutler specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 476 to Select File

Mr. Fenger moved to return LB 476 to Select File for his specific amendment, AM1031, found in the Journal on page 1379.

The motion to return prevailed with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 476. The Fenger specific amendment, AM1031, found in the Journal on page 1379 was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for Re-Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 75.

Introduced by Vickers, 38th District; Wagner, 41st District.

WHEREAS, May 18, 1983, will be the Fiftieth Anniversary of the enactment of the Tennessee Valley Authority Act; and

WHEREAS, in May, 1985, will be celebrated the Fiftieth Anniversary of the original creation of the Rural Electrification Administration by executive order of President Franklin D. Roosevelt; and

WHEREAS, November, 1984, will be the Fiftieth Anniversary of the approval of the constitutional amendment creating the Unicameral Legislature in Nebraska; and

WHEREAS, George W. Norris, who represented Nebraska in the United States Congress with distinction for 40 years, played a leading role in bringing about the above major events, as well as others serving to improve the American political system and the quality of life of many persons; and

WHEREAS, a voluntary group of eleven interested persons has already formed a committee and held several meetings to begin the planning and development of suitable programs and events to recognize and commemorate these anniversaries, and particularly Senator Norris' roles in bringing electricity to rural America and in establishing the Nebraska Unicameral Legislature; and

WHEREAS, it is believed that official sanction should be given to the commemorative activities which will span generally the period between May, 1983, and May, 1985.

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

1. That the Executive Board of the Legislative Council is hereby authorized and directed to designate the official George W. Norris Commemorative Committee to plan and carry out such activities.

2. That those state agencies and institutions with responsibilities in such areas as Nebraska history, travel and tourism, resource development, and recreational activities are urged to cooperate with and assist such committee in planning and carrying out these commemorative activities.

3. That the many civic, educational, commercial, fraternal, and community groups and organizations across the state be invited to participate in these programs, and to assist in the private fund-raising which will provide the primary financial support.

Laid over.

UNANIMOUS CONSENT - Withdraw Amendments to LB 573

Mr. Vickers asked unanimous consent to withdraw his pending amendment found in the Journal on page 770 to LB 573. No objections. So ordered.

Mr. Haberman asked unanimous consent to withdraw his pending amendments found in the Journal on page 868 and 1107 to LB 573. No objections. So ordered.

MOTION - Return LB 573 to Select File

Mr. Vickers moved to return LB 573 to Select File for his specific amendment found in the Journal on page 1042.

The motion to return prevailed with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 573. The Vickers specific amendment found in the Journal on page 1042 was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 573 to Select File

Mr. Haberman moved to return LB 573 to Select File for his specific amendment, AM0981, found in the Journal on page 1288.

The motion to return prevailed with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 573. The Haberman specific amendment, AM0981, found in the Journal on page 1288 was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Withdraw Motion to Reconsider LR 57

Mr. R. Johnson asked unanimous consent to withdraw the motion to reconsider LR 57. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Pappas asked unanimous consent to print the following amendment to LB 336 in the Journal. No objections. So ordered.

AM1282
1. On page 23, line 17, after the reinstated period insert "No county, city, or village shall establish or conduct lotteries after June 30, 1985.".

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 27, 1983, at 9:00 a.m., was the following bill: 396.

(Signed) Jan Loder, Enrolling Clerk

MOTION - Return LB 326 to Select File

Mr. Schmit moved to return LB 326 to Select File for his specific amendment, AM1170, found in the Journal on page 1679.

The motion to return prevailed with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 326. The Schmit specific amendment, AM1170, found in the Journal on page 1679 was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 469 to Select File

Mr. Warner moved to return LB 469 to Select File for the following specific amendment:
(Amendment on file in the Clerk's Office - AM1298.)

The motion to return prevailed with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 469. The Warner specific amendment, AM1298, on file in the Clerk's Office was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 573 to Select File

Mr. Warner moved to return LB 573 to Select File for the following specific amendment:

In the final reading copy on page 8, in line 24, strike "(1)" and on page 9, strike lines 6 through 12.

The motion to return prevailed with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 573. The Warner 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.

MOTION - Override Veto on LB 64

Mr. Landis renewed his pending motion found in the Journal on page 1764 that LB 64 become law, notwithstanding the objection of the Governor.

Mr. Landis asked unanimous consent to withdraw his pending motion. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 490. Title read. Considered.

Standing Committee amendments, AM0827, found in the Journal on page 1062 for the Forty-Ninth Day were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Fenger renewed his pending amendment, AM0900, found in the Journal on page 1565.

The Fenger amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 472. Title read. Considered.

Standing Committee amendments, AM0370, found in the Journal on page 805 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.

UNANIMOUS CONSENT - Print in Journal

Mr. Kahle asked unanimous consent to print the following amendment to LB 198 in the Journal. No objections. So ordered.

AM1273

(Amendments to the Final Reading Copy)

1. On page 3, line 12, strike "future".
2. On page 4, line 6, after "intentional" add "or incidental".

RESOLUTION

LEGISLATIVE RESOLUTION 76.

Introduced by R. Johnson, 34th District; Landis, 46th District.

PURPOSE: Twenty-eight of Nebraska's ninety-three counties are currently organized under the township system. Several of these counties have experienced difficulties with the township system because

of changes over time in the nature of the tasks executed by townships and other governmental subdivisions. Offices have gone unfilled for lack of candidates, the duties and authorities of those holding office are not always clear, and the statutory procedure required to adopt another form of administration acts as a deterrent to reorganization. The purpose of this study is to assess the advisability of legislation in this area. In order to accomplish this purpose the following topics shall be studied:

(1) The current township system including, but not limited to:

(a) Election procedures and the counties' recent experience in filling elective offices;

(b) The scope of authority and distribution of powers within the township system;

(c) The relationship between townships and other governmental subdivisions within counties;

(d) Current procedural requirements for dissolution of a township system; and

(e) The transfer of duties, assests, and obligations upon dissolution of a township system;

(2) Alternative systems of county organizations, including:

(a) The county commissioner system; and

(b) Systems used in other states;

(3) The advantages and disadvantages of alternative systems; and

(4) Any other matters necessary for a complete analysis of the issue.

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

1. That a committee of the Legislature shall be designated to conduct an interim study and to hold any public hearings necessary to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council prior to the commencement of the 1984 legislative session.

Referred to the Executive Board.

UNANIMOUS CONSENT - Bracket LB 469

Mr. Warner asked unanimous consent to bracket LB 469 on E & R Engrossing. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 224. Title read. Considered.

Standing Committee amendments, AM0688, found in the Journal on page 949 for the Forty-Fourth 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 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

SPEAKER NICHOL PRESIDING

LEGISLATIVE BILL 626. Title read. Considered.

Mr. Beutler moved to bracket LB 626 until all priority bills have been considered.

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 14 nays, and 19 not voting.

Mr. Beutler asked unanimous consent to withdraw his pending motion to bracket LB 626. No objections. So ordered.

LB 626 was laid over.

SELECT FILE

LEGISLATIVE BILL 356. E & R amendments, AM5121, found in the Journal on page 1485 for the Sixty-Third Day were adopted.

Mr. Haberman renewed the Cullan pending amendment, AM1098, found in the Journal on page 1713.

The Cullan 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 343. E & R amendments, AM5127, found in the Journal on page 1564 for the Sixty-Sixth Day were adopted.

Messrs. DeCamp, Remmers, Carsten, Sieck, Clark, and Vickers offered the following amendment:
AM1292
1. In the DeCamp amendments to the Standing Committee amendments, AM1068:
(a) On page 1, line 3, after "2." insert "(1)"; in line 6 after "to" insert "(a)"; in line 7

strike "or" and insert ", (b)"; in line 8 strike "and" and insert ", (c)"; in line 9 after the comma insert "or (d) accounts or general intangibles arising from or relating to the sale of farm products by a farmer,"; in line 12 strike "(1)" and insert "(i)"; in line 13 strike "(2)" and insert "(ii)"; in line 14 strike "(3)" and insert "(iii)"; in line 15 strike "(4)" and insert "(iv)"; in line 17 strike "(5)" and insert "(v)"; in line 18 strike "(6)" and insert "(vi)"; in line 19 strike "(7)" and insert "(vii)"; and after line 20 insert new subsections as follows:

"(2) Upon receipt of a lien filed pursuant to Chapter 52, article 5, 7, 9, 10, or 11 or Chapter 54, article 2, or an amendment, release, or termination of such lien, the county clerk shall immediately transmit to the Secretary of State the following document information:

(a) Identification of the document;

(b) Document number;

(c) Name and address of the debtor or debtors;

(d) Name and address of the creditor or creditors;

(e) Type or types of goods covered;

(f) Date and time of filing; and

(g) Social security or federal identification number of the debtor or debtors, if known.

(3) For each amendment, release, or termination of a lien filed pursuant to Chapter 52, article 5, 7, 9, 10, or 11 or Chapter 54, article 2, the county clerk shall charge the same fee as would be charged for a simnilar document filed under the Uniform Commercial Code. The retention and distribution of such funds shall be the same as is provided for fees under subsection (9) of section 9- 403, Uniform Commercial Code.";

(b) On page 3, line 17, strike "party" and insert "person"; in line 18 strike "to guarantee" and insert "for"; and

(c) On page 4, strike beginning with "pay" in line 3 through "products" in line 13 and insert "require that the seller identify the first security interest holder with regard to the farm products being sold. If such seller is then paid the total purchase price by means of a check payable to such seller and the named first security interest holder and if the named first

security interest holder authorizes the cashing of such check, the buyer of such farm products so purchased shall take free of any security interest. Any endorsement for payment made on such check shall not serve to establish or alter in any way security interest priorities under Nebraska law.".

2. In the Standing Committee amendments:

(a) On page 9, line 13, strike "1986" and insert "1987. In 1986 the Executive Board of the Legislature shall designate and appropriate committee of the Legislature to review the operation of subsection (4) of this section. The committee shall conduct such review and may propose legislation to amend or postpone the termination date of subsection (4) of this section if the committee deems such action appropriate"; in line 20 after "is" insert "(i)"; in line 21 strike "or", show as stricken, and insert "(ii)"; in line 22 strike "and" and insert ", (iii)"; in line 23 strike the first "or", show as stricken, and insert "(iv)"; and in line 25 after "or" insert "(v)";

(b) On page 16, line 29, strike "subsection (4) of this section" and insert "section 2 of this act"; strike beginning with the second "and" in line 20 through "it" in line 21 and insert "so that on or before January 1, 1985, such information shall be"; and in line 23 after "computers" insert ", except that information relative to security interests in crops growing or to be grown shall continue to be available for inquiry in the same manner as provided in section 9-411 before the operative date of this act";

(c) On page 18, lines 9, 17, and 21, strike "September", show as stricken, and insert "July"; in line 22 after "statement" insert "or amended"; and in line 23 after "Code" insert ", except that if sections 9-401 and 9-410 to 9-412 require a filing in an office where there was no previous financing statement, a new financing statement meeting the requirements of 9-402, except as provided in this section, shall be filed in that office. Such new financing statement operating as a continuation statement may be filed within six months before the perfection of the security interest would otherwise lapse. Any such financing statement may be signed by either the debtor or the secured party. It shall identify the original financing statement and any amendment or continuation thereof, state the office

where and the date when each filing was made, and state the filing number thereof."; and

(d) Strike section 15 and insert new sections as follows:

"Sec. 15. This act shall become operative on July 1, 1983.

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.".

The amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 343A. Mr. DeCamp offered the following amendment:

1. On page 2, lines 1 and 2, strike "one hundred twenty-four thousand nine hundred eight" and insert "sixty-three thousand seven hundred fifty"; in line 4, strike "one hundred eighteen"; and insert "seventy"; in line 11, strike "fifty-four" and insert "thirty-six"; and in lines 12 and 13, strike "fifty-six thousand seven hundred" and insert "forty-six thousand".

2. Add two new sections:

"Section 2. There is hereby appropriated fifty thousand dollars from the General Fund for the period July 1, 1983 to June 30, 1984 to the Uniform Commercial Code Filing Council, for Program 114, to aid in carrying out the provisions of LB 343, Eighty-eighth Legislature, First Session, 1983. No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Section 3. The State Treasurer is hereby directed to transfer one hundred thirteen thousand seven hundred fifty dollars from the Uniform Commercial Code Cash Fund to the General Fund on or before June 1, 1984."

Section 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

The amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 273. Mr. Newell renewed his pending amendment found in the Journal on page 1653.

Mr. Newell moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Newell amendment was adopted with 25 ayes, 6 nays, 13 present and not voting, and 5 excused and not voting.

Mrs. Higgins renewed her pending amendment found in the Journal on page 1481.

The Chair declared the Call raised.

Messrs. Abboud, Vickers, Clark, and V. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Higgins moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mrs. Higgins requested a roll call vote on her amendment.

Voting in the affirmative, 24:

Chambers	Chronister	DeCamp	Eret	Fowler
Goll	Goodrich	Haberman	Hannibal	Higgins
Labedz	Landis	Marsh	Newell	Pappas
Pirsch	Rupp	Schmit	Vickers	Wagner
Warner	Wesely	Wiitala	Withem	

Voting in the negative, 17:

Barrett	Beutler	Carsten	Cullan	Fenger
Hefner	Johnson, L.	Kahle	Lamb	Lundy
Morehead	Nichol	Peterson, H.	Peterson, R.	Remmers
Sieck	Von Minden			

Excused and not voting, 8:

Abboud	Beyer	Clark	Hoagland	Jacobson
Johnson, R.	Johnson, V.	Kilgarin		

The Higgins amendment lost with 24 ayes, 17 nays, and 8 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducers

Messrs. Remmers, Carsten, Sieck, Vickers, Clark, Schmit, Haberman, L. Johnson, and H. Peterson asked unanimous consent to have their names added as co-introducers to LB 343. No objections. So ordered.

Mrs. Labedz asked unanimous consent to have her name added as co-introducer to LB 516 and LB 544. No objections. So ordered.

SPEAKERS' ANNOUNCEMENT

Speaker Nichol announced that LB 553 is withdrawn as a Speaker's priority bill.

ATTORNEY GENERAL'S OPINION

Opinion No. 91
April 26, 1983

Dear Senators Haberman and DeCamp:

This is in reply to your inquiry concerning the constitutionality of the transfer of two million dollars from the Department of Banking and Financial Securities Act Cash Fund and five hundred and fifty thousand dollars from the interest earnings in the Social Security Contributions Fund, as provided in section 81 of LB 628, to the General Fund.

With regard to the Securities Act Cash Fund, Neb.Rev.Stat. §8-1120 (Reissue 1977) provides that all fees paid to the Director of Banking under the provisions of §§8-1101 to 8-1124, shall be paid to the State Treasurer and by the State Treasurer credited to the Securities Act Cash Fund, and that such fund, "shall be used for the purpose of administering and enforcing the provisions of §§8-1101 to 8-1124, and all of such money is appropriated and shall be appropriated for such purposes."

From our examination of LB 628, it does not appear to repeal §8-1120.

Article III, Section 12 of the Nebraska Constitution provides in part: "and no law shall be amended unless the new act contain the section or sections as amended and the section or sections so amended shall be repealed ..."

It is our opinion that since LB 628 does not repeal §8-1120 the provision of section 81 of LB 628 transferring two million dollars from

the Securities Act Cash Fund to the General Fund could not be enforced.

With regard to the provision dealing with the transfer of interest earnings in the Social Security Contribution Fund, Neb.Rev.Stat. §68-613 (Reissue 1981) presently provides that the interest earnings from that fund "may be transferred to the General Fund at the direction of the Legislature."

You have also asked if the Governor may, under Program 519 of his 1983-84 budget, transfer the unexpended balance of the Veterans' Home Building Fund to the Department of Public Institutions Cash Fund.

In 1978 the Legislature enacted Neb.Rev.Stat. §80-301.01 (Reissue 1981), which transferred $500,000.00 from the short term investment pool maintained by the Department of Public Institutions, to the Veterans Home Building Fund and, by enacting §80-301.02, provided that the fund shall, "be used for the specific purpose of adding nursing facilities when needed."

In our opinion the $500,000.00 appropriated in 1978 was earmarked for the purpose stated and, for the reasons stated above with regard to the provisions of LB 628, cannot be transferred to any other fund for any other purpose without amendment or repeal of §§80-301.01 and 80-301.02.

It is our understanding that since the $500,000.00 was transferred to the Veterans' Home Building Fund in 1978, it has been invested pursuant to the provisions of subsection (2) of Neb.Rev.Stat. §72-1244, and has accumulated in excess of $350,000.00 interest. In this regard we point out that §72-1248 (Reissue 1981) provides in part: "All interest, premium and other income received from investments pursuant to subsection (2) of section 72-1244 shall be credited to the fund from which the investment was made."

It is therefore our opinion that the interest accrued to the $500,000.00 is also a part of the Veterans' Home Building Fund.

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

BLP:pjs

VISITORS

Visitors to the Chamber were 42 second grade students, teachers, and sponsors from Park School, Lincoln; 47 students, teacher, and sponsors from Jackson Elementary School, Omaha; 60 students, teacher, and sponsors from Pawnee School, Omaha; 69 fourth grade

students and teachers from Harvey Oaks Elementary School, Omaha; 25 students and teachers from Columbus Junior High School; 40 students and teachers from South Sioux City; 23 sixth grade students, teachers, and sponsors from Emerson School, Columbus; a group from the Washington County Republican Women; 21 students and teacher from David City Elementary School; and 24 eighth grade students and teacher from Lincoln Christian School.

RECESS

At 11:59 a.m., on a motion by Mr. Withem, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., President McGinley presiding.

ROLL CALL

The roll was called and all members were present except Mr. Jacobson who was excused; and Messrs. Abboud, Barrett, Beutler, DeCamp, Fowler, Haberman, Hannibal, Hoagland, R. Johnson, V. Johnson, Newell, Pappas, Wesely, Wiitala, Mesdames Higgins, Labedz, Pirsch, and Miss Kilgarin who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 269A. Mr. Cullan offered the following amendment:
PURPOSE: To provide funding for LB 269 as amended.
AMENDMENT:

1. On page 2, lines 2 and 11, strike "fifty-three thousand three hundred" and insert "thirty-two thousand four hundred fifty-two"; in lines 4 and 13, strike "eighty-seven thousand eight hundred thirty-six" and insert "sixty-three thousand one hundred twenty-six"; in lines 15, 16, 23 and 24, strike "two hundred thirty-four thousand six hundred forty-eight" and insert "one hundred ninety-four thousand eight hundred thirty-two"; in lines 26 and 27, strike "three hundred fifty-nine thousand one hundred eighty-four" and insert "two hundred eighteen thousand five hundred sixteen."

2. On page 3, lines 2, 3 and 12, strike "five hundred ninety-one thousand nine hundred forty-eight" and insert "four hundred twenty-five thousand three hundred forty"; in lines 9 and 10, strike "three hundred fifty-nine thousand one hundred eighty-four" and insert "two hundred eighteen thousand five hundred sixteen"; in lines

14, 15 and 22, strike "twenty-six thousand six hundred sixty-four" and insert "twenty-two thousand one hundred forty."

Mr. Cullan moved for a Call of the House. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Cullan requested a roll call vote on his amendment.

Voting in the affirmative, 32:

Barrett	Beutler	Beyer	Carsten	Chambers
Chronister	Cullan	DeCamp	Fenger	Fowler
Goll	Goodrich	Hannibal	Hoagland	Johnson, R.
Kahle	Landis	Lundy	Marsh	Newell
Nichol	Pappas	Peterson, R.	Remmers	Rupp
Schmit	Vickers	Wagner	Warner	Wesely
Wiitala	Withem			

Voting in the negative, 7:

Hefner	Johnson, L.	Lamb	Morehead	Peterson, H.
Pirsch	Sieck			

Present and not voting, 4:

Clark	Eret	Labedz	Von Minden

Excused and not voting, 6:

Abboud	Haberman	Higgins	Jacobson	Johnson, V.
Kilgarin				

The Cullan amendment was adopted with 32 ayes, 7 nays, 4 present and not voting, and 6 excused and not voting.

Mr. Fenger requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 17 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 476A. Advanced to E & R for Engrossment.

Mr. Withem asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

LEGISLATIVE BILL 410A. Mr. Warner renewed his pending amendment found in the Journal on page 1712.

The amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Mr. Hoagland requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 28 ayes, 2 nays, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 273. Mr. Sieck renewed his pending amendment, AM1147, found in the Journal on page 1529.

Mrs. Higgins requested a division of the question on the Sieck amendment.

The Chair sustained the division.

The first Sieck amendment is as follows:

1. On page 3, line 8, strike "ninety" and insert "one hundred twenty".

Messrs. Haberman, Wagner, and Newell asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Sieck moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Sieck requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Abboud	Barrett	Beutler	Carsten	Clark
Fenger	Goll	Goodrich	Hefner	Johnson, L.
Kahle	Lamb	Lundy	Morehead	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Sieck	Von Minden	Wiitala		

Voting in the negative, 16:

Beyer	Chambers	Cullan	DeCamp	Eret
Fowler	Higgins	Hoagland	Johnson, R.	Labedz
Landis	Marsh	Rupp	Schmit	Warner
Wesely				

Present and not voting, 3:

Chronister Hannibal Vickers

Excused and not voting, 7:

Haberman Jacobson Johnson, V. Kilgarin Newell
Wagner Withem

The Sieck amendment lost with 23 ayes, 16 nays, 3 present and not voting, and 7 excused and not voting.

Mr. Sieck asked unanimous consent to withdraw his pending amendment 2. No objections. So ordered.

The Chair declared the Call raised.

Mrs. Higgins withdrew her pending amendment found in the Journal on page 1749.

Mr. Wiitala offered the following amendment:

1. Strike the Standing Committee amendment AM 0480.

2. On page 3, line 7, strike the words, "within ninety days of the effective date of this act" and insert the words, "not later than January 1, 1984."

3. On page 3, line 10, strike the words, "whichever is later" and insert the words, "if employment begins after January 1, 1984."

The amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Mr. Hefner offered the following amendment:

Page 4 line one strike forty, insert twenty, line 2 strike twenty-five insert fifteen, line 3 strike fifteen, insert "five"

Messrs. Lamb and Kahle asked unanimous consent to be excused until they return. No objections. So ordered.

The Hefner amendment was adopted with 26 ayes, 3 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 273A. Mr. Warner offered the following amendment:

PURPOSE: To amend the A-bill for LB 273 to correspond with the reduced fiscal impact of the bill as amended on General File.
AMENDMENT:

On page 2, line 2, strike "sixteen thousand eight hundred eighty-four" and insert "twelve thousand two hundred seventy-eight"; strike beginning with "thirteen" in line 11 through "ninety-seven" in line 12, and insert "nine thousand nine hundred ten."

The amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 59 in the Journal. No objections. So ordered.

Section _____. That section 45-104.01, Revised Statutes Supplement, 1982, be amended to read as follows:

45-104.01. Unless otherwise specifically provided, the interest rate assessed on delinquent payments of any taxes or special assessments owing to the State of Nebraska or any political subdivision thereof shall be assessed at a rate of ~~fourteen~~ nine per cent per annum.

GENERAL FILE

LEGISLATIVE BILL 479. Title read. Considered.

Standing Committee amendments, AM0607, corrected copy found in the Journal on page 889 for the Forty-Second Day were considered.

Mr. Hoagland offered the following amendment to the Standing Committee amendments:

by striking "one dollar" on p. 2, line 11 and p. 5, line 21-22 and substituting "fifty cents."

The Hoagland amendment was adopted with 18 ayes, 9 nays, 16 present and not voting, and 6 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 28 ayes, 2 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 219. Title read. Considered.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendments, AM0134, found in the Journal on page 828 for the Fortieth Day were adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 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 25 ayes, 10 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 370. Title read. Considered.

Standing Committee amendments, AM0639, found in the Journal on page 851 for the Forty-First Day were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 5 nays, 13 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 336 in the Journal. No objections. So ordered.

AM1287

1. On page 9, line 12, strike "to" and insert "from"; and in line 13 after "act" insert ", to the General Fund".

2. On page 20, line 14, after the period insert "Any money remaining in the State Lottery Fund after the payment of the lottery expenses authorized pursuant to this section shall be credited to the General Fund.".

3. In the Standing Committee Amendments, AM0977, strike amendments 8, 9, and 10.

4. In the DeCamp Amendments, AM1259: (a) On

page 2, line 26, strike "State Lottery" and insert "General"; and (b) strike amendment 3.

5. Renumber the remaining sections and internal references accordingly.

GENERAL FILE

LEGISLATIVE BILL 254. Title read. Considered.

Standing Committee amendments, AM0684, found in the Journal on page 893 for the Forty-Second Day were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 254A. 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.

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 451. Title read. Considered.

Standing Committee amendments, AM0664, found in the Journal on page 919 for the Forty-Third Day were adopted with 26 ayes, 1 nay, 16 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. Beutler offered the following amendment:
AM1132

1. Insert the following new sections:

"Sec. 5. That section 48-1002, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1002. As used in sections 48-1001 to 48-1009, unless the context otherwise requires:

(1) Person shall include one or more individuals, partnerships, associations, labor

organizations, corporations, business trusts, legal representatives, or any organized group of persons;

(2) Employer shall mean any ~~a~~ person having in his or her employ twenty-five or more individuals, ~~and~~ any person acting for or in the interest of an employer, directly or indirectly, and any party to an agreement pursuant to subdivision (3) of section 18- 1615, regardless of the number of employees, but such term shall ~~does~~ not include (a) the United States, (b) a corporation wholly owned by the government of the United States, or (c) any person or political entity acting with respect to any peace officer or firefighter;

(3) Labor organization shall mean any organization of employees which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms, or conditions of employment, or for other mutual aid or protection in connection with employment;

(4) Employee shall mean an individual employed by any employer; and

(5) Employment agency shall mean any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person; but shall not include an agency of the United States, except that such terms shall include the United States Employment Service and the system of state and local employment services receiving federal assistance.

Sec. 6. That section 48-1102, Revised Statutes Supplement, 1982, be amended to read as follows:

48-1102. As used in sections 48-1101 to 48-1125, unless the context otherwise requires:

(1) Person includes one or more individuals, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers;

(2) Employer shall mean a person engaged in an industry who has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, ~~and~~ any agent of such a person, and any party to an agreement pursuant to subdivision (3) of section 18- 1615, regardless of the

number of employees, and ~~includes~~ shall include the State of Nebraska, governmental agencies, and political subdivisions, regardless of the number of employees, but such term ~~does~~ shall not include (a) the United States, a corporation wholly owned by the government of the United States, or an Indian tribe, or (b) a bona fide private membership club, other than a labor organization, which is exempt from taxation under section 501 (c) of the Internal Revenue Code of 1954;

(3) Labor organization shall mean any organization which exists wholly or in part for one or more of the following purposes: Collective bargaining; dealing with employers concerning grievances, terms, or conditions of employment; or of mutual aid or protection in relation to employment;

(4) Employment agency shall mean any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person; but shall not include an agency of the United States, except that such term shall include the United States Employment Service and the system of state and local employment services receiving federal assistance;

(5) Privileges of employment shall mean terms and conditions of any employer-employee relationship, opportunities for advancement of employees, and plant conveniences;

(6) Employee shall mean an individual employed by an employer;

(7) Commission shall mean the Equal Opportunity Commission;

(8) Disability shall mean any physical or mental condition, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, or illness, including epilepsy or seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a dog guide, wheelchair, or other remedial appliance or device and shall also mean the physical or mental condition of a person which constitutes a substantial handicap, as determined by a physician, but is unrelated to such

person's ability to engage in a particular occupation; and

(9) Marital status shall mean the status of a person whether married or single.

Sec. 7. That section 48-1220, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1220. As used in sections 48-1219 to 48-1227, unless the context otherwise requires:

(1) Employee shall mean any individual employed by an employer, including individuals employed by the state or any of its political subdivisions including public bodies;

(2) Employer shall mean any ~~a~~ person engaged in an industry who has twenty-five or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, ~~and~~ any agent of such person, and any party to an agreement pursuant to subdivision (3) of section 18-1615, regardless of the number of employees, but such term shall ~~does~~ not include the United States, a corporation wholly owned by the government of the United States, or an Indian tribe;

(3) Wage rate shall mean all compensation for employment including payment in kind and amounts paid by employers for employee benefits as defined by the commission in regulations issued under ~~the provisions of~~ sections 48-1219 to 48-1227;

(4) Employ shall include to suffer or permit to work;

(5) Commission shall mean the Equal Opportunity Commission; and

(6) Person shall include one or more individuals, partnerships, corporations, legal representatives, trustees, trustees in bankruptcy, or voluntary associations.".

2. On page 9, line 11, strike "and" and after "18-1618," insert "48-1002, and 48-1220,"; and in line 12 after "1943," insert "and section 48-1102, Revised Statutes Supplement, 1982,".

3. In the Standing Committee amendment, on page 2, line 6, strike "5" and insert "8"; in line 11 strike "7" and insert "10"; and in line 14 strike "6" and insert "9".

Mr. Newell requested a ruling of the Chair on whether the Beutler amendment is germane to the bill.

The Chair ruled the amendment not germane.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

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, 10 nays, 7 present and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 92
April 27, 1983

Dear Senator DeCamp:

Following the enactment of LB 19, the Nebraska Beef Industry Development Act, you have asked that we consider its constitutionality in order that any problems there might be may yet be corrected during the present legislative session.

In response we have compared the provisions of LB 19 with those of Neb.Rev.Stat. §§2-2302 to 2-2321 (Cum. Supp. 1982), the Wheat Development Act, enacted into law during the 1981 session of the Legislature. From our examination of the provisions of the two acts we find that their essential provisions, particularly the method and assessment of the fee or tax for the support of the purposes of the act, are similar, if not identical.

When the provisions of the Wheat Development Act was before the Legislature, as LB 11, we were asked to examine its provisions as to constitutionality and we concluded that it was constitutional, with one exception not present in LB 19.

We enclose herewith a copy of our Opinion No. 88 dated April 30, 1981, concerning the Wheat Development Act, which we believe cover the questions that have thus far been raised concerning the provisions of LB 19.

Very truly yours,
PAUL L. DOUGLAS
Attorney General

(Signed) Bernard L. Packett
Assistant Attorney General

BLP:ekj
cc: Patrick J. O'Donnell
Clerk of the Legislature
Enc.

Opinion No. 93
April 27, 1983

Dear Senator Beutler:

You have asked whether the exemption of persons 65 years of age or over from the mandatory continuing education requirements of LB 225 violates constitutional provisions relating to due process, equal protection or the granting of a special privilege. We have concluded that it does as discussed below.

The general rule in LB 225 is that to renew a license as an embalmer or funeral director the licensee must submit proof of satisfactorily completing 16 hours of approved continuing education courses within the two-year period preceding the license renewal date. The purpose is to "maintain and improve" the quality of the services of embalmers and funeral directors to the public.

There are five exemptions to that rule, including persons 65 years of age and over. The others are for persons not practicing in Nebraska at any time within the preceding two-year period, for persons suffering from a serious or disabling illness or physical disability which prevented him or her from completing the continuing education requirement, for persons serving in the regular armed forces of the United States during any part of the immediately preceding two-year period, and any person receiving an initial license in Nebraska after the first day of February of the second year of the biennium.

For each exemption to be constitutionally valid, it must meet several tests. The class must have some reasonable distinction from other subjects of a like general character which distinction bears some reasonable relation to the legitimate object and purpose of the legislation. Grossman v. State Employees Retirement System, 177 Neb. 326 (1964). The class must suggest such a difference in situtation or circumstances as to disclose the necessity or propriety of different legislation in respect to them. Galloway v. Wolfe, 117 Neb. 824 (1929). The class must rest on some reason of public policy. Wittler v. Baumgartner, 180 Neb. 446 (1966). A reasonable classification under the federal equal protection guarantee is one that includes all persons in a similar situation with respect to the purpose of the law. Norden Laboratories, Inc. v. County Board of Equalization, 189 Neb. 437 (1973). To forbid an individual the right of property in such manner as should

be permitted for the community at large would be to deny them of liberty. Low v. Rees Printing Co., 41 Neb. 127 (1894). Thus those covered by the general rule in LB 225 have constitutional rights to expect that no one else will be exempted from the rule unless the above tests are met.

None of the exemptions in LB 225 bear any reasonable relation to the object of LB 225 unless it is the exemption for those receiving an initial license shortly before all licenses must be renewed. Such a person is apt to be recently out of school and less in need of a refresher course. The fact that one has not practiced in Nebraska the preceding two years will not protect the public here if such person decides to move to Nebraska during the next two years. The same is true of one serving in the army for any part of the preceding two years. However, the public policy in support of the armed forces and the likelihood that such service will be outside the state may form a reasonable basis for treating that class differently. One too ill to attend classes may not otherwise be able even to maintain the quality of his or her services, let alone improve them. One 65 or over and not suffering from such illness should be able not only to maintain but to improve the quality of his or her services by continuing education as much as a younger person could.

We have concluded that the exemption for persons 65 years and older is probably unconstitutional. Since the bill contains no savings clause and it is not clear that LB 225 would have been passed by the Legislature without that exemption (or without any of the others that are questioned above), the whole bill is subject to constitutional attack.

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

MBH:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mrs. Morehead asked unanimous consent to print the following amendment to LB 59 in the Journal. No objections. So ordered.

AM1304

1. On page 5, line 16, strike "minus", show as stricken, and insert "reduced by the"; and in line 17 after "period" insert "and further reduced by the additional one half of one per cent sales and use tax imposed by section 7 of this act".

2. Insert the following new sections:

"Sec. 2. That section 77-27,137, Revised Statutes Supplement, 1982, be amended to read as follows:

77-27,137. The appropriation provided for in section 77-27,136 for aid to counties shall be distributed to the various county treasurers of the state on the basis of the ratio of the total amount of property taxes levied by the particular county for county purposes to the total amount of property taxes levied by all counties for county purposes based on the amounts stated in the most recent certificate of taxes levied statement submitted by each county to the State Board of Equalization and Assessment pursuant to section 77-628.

The Tax Commissioner shall determine the amount to be distributed to the various counties and certify such amounts by voucher to the Director of Administrative Services. Each amount shall be distributed (1) for fiscal year 1982-83 in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning December 1982, and (2) for fiscal year 1983-84 and each fiscal year thereafter in ~~twelve~~ seven as nearly as possible equal monthly payments ~~between the fifth and twentieth~~ on the last business day of each month beginning ~~July~~ December 1983, and each ~~July~~ December thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall~~, upon receipt of such notification and vouchers,~~ on the last business day of each month draw warrants against funds appropriated. The proceeds of the governmental subdivision payments received by the various county treasurers shall be credited to the general fund of the county.

Sec. 3. That section 77-27,137.01, Revised Statutes Supplement, 1982, be amended to read as follows:

77-27,137.01. The appropriation provided for in section 77-27,136 for aid to incorporated municipalities shall be allocated by the Tax Commissioner to the various incorporated municipalities. The Tax Commissioner shall determine the amount to be

distributed to the incorporated municipalities and certify such amounts by voucher to the Director of Administrative Services. Each amount shall be distributed (1) for fiscal year 1982-83 in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning December 1982, and (2) for fiscal year 1983-84 and each fiscal year thereafter in ~~twelve~~ seven as nearly as possible equal monthly payments ~~between the fifth and twentieth~~ on the last business day of each month beginning ~~July~~ December 1983, and each ~~July~~ December thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall~~, upon receipt of such notification and vouchers,~~ on the last business day of each month draw warrants against funds appropriated. The Tax Commissioner shall compute the amount due the incorporated municipalities on the ratio of the population of the particular incorporated municipality to the total population of all incorporated municipalities in the state as determined by the latest federal census, which amounts shall be placed in the general fund of such municipalities.

Sec. 4. That section 79-1333, Revised Statutes Supplement, 1982, be amended to read as follows:

79-1333. (1) Commencing with school year 1980-81 all state financial assistance to districts pursuant to sections 79-1330 to 79-1344 shall be based upon the annual financial reports for the 1978-79 school year of such districts as required by section 79-451 and the fall school district membership report for the 1979-80 school year required by section 79-1333.02. Financial assistance for the 1981-82 school year and each school year thereafter shall be based upon the second preceding school year's annual financial report and the preceding school year's fall school district membership report. The State Department of Education shall determine the amount to be distributed to the various school districts and certify such amounts to the Director of Administrative Services. Each amount shall be distributed (a) for fiscal year 1982-83 in nine as nearly as possible equal monthly payments, beginning in

October 1982, for the continuation of the ninety-five million dollars appropriated for state aid, (b) for fiscal year 1982-83 in seven as nearly as possible equal monthly payments beginning in December 1982, for any additional amounts appropriated by Legislative Bill 816A, Eighty-seventh Legislature, Second Session, 1982, and (c) for fiscal year 1983-84 and ~~all succeeding fiscal years in ten monthly payments with the first payment equal to twenty- five per cent of the district's total entitlement followed by~~ each fiscal year thereafter in nine as nearly as possible equal monthly payments on the last business day of each month, beginning in ~~September~~ October 1983, and each ~~September~~ October thereafter, except that a school district may apply for early payment as provided in subsection (2) of this section. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall~~, upon receipt of such notification,~~ on the last business day of each month draw warrants against funds appropriated. The annual financial reports shall be submitted to the State Board of Education by Class I and II school districts on or before the first day of October of each year, and by Class III, IV, V, and VI school districts on or before the first day of November of each year. When any Class I or II school district fails to submit its report by the first day of October, any state assistance granted pursuant to sections 79-1330 to 79-1344 shall be based on the amount granted for the previous fiscal year, and shall be reduced by ten per cent of that amount, and when any such district fails to submit its report by the first day of November, it shall forfeit all assistance pursuant to sections 79-1330 to 79-1344 for that year. When any Class III, IV, V, or VI school district fails to submit its report by the first day of November any state assistance granted pursuant to sections 79-1330 to 79-1344 shall be based on the amount granted for the previous fiscal year, and shall be reduced by ten per cent of that amount, and when any such district fails to submit its report by the fifteenth day of November, it shall forfeit all assistance pursuant to sections 79-1330 to 79-1344 for that year.

(2) A school district which receives federal funds in excess of twenty-five per cent of its current operations budget may apply for early payment of state financial assistance paid pursuant to sections 79-1330 to 79-1344 when such federal funds are not received in a timely manner. Such application may be made at any time by a school district suffering such financial hardship and may be for any amount up to fifty per cent of the remaining amount to which the district is entitled during the current fiscal year. The State Board of Education may grant the entire amount applied for or any portion of such amount if, after a hearing, the board finds that a financial hardship exists in the district. The board shall notify the Director of Administrative Services of the amount of funds to be paid in lump sum and the new reduced amount of the monthly payments. The Director of Administrative Services shall, within five days after such notification, draw a warrant for the lump sum amount from appropriated funds and forward such warrant to the district. As used in this subsection, financial hardship shall mean a situation in which income to a district is exceeded by liabilities to such a degree that if early payment is not received it will be necessary for the district to discontinue vital services or functions.

Sec. 5. (1) There is hereby created within the state treasury a fund known as the Cash Reserve Fund which shall be under the direction of the State Treasurer. The fund shall only be used pursuant to subsection (2) of this section.

(2) The State Treasurer shall transfer funds from the Cash Reserve Fund to the General Fund upon certification by the Director of Administrative Services that the current cash balance in the General Fund is inadequate to meet current obligations. Such certification shall include the dollar amount to be transferred.

(3) Any transfers made pursuant to this section shall be reversed upon notification by the Director of Administrative Services that sufficient funds are available.

Sec. 6. Interest shall not accrue on the funds which have been transferred from the Cash Reserve Fund to the General Fund pursuant to section 5 of this act.

Sec. 7. (1) In addition to the sales tax imposed pursuant to section 77-2715.01, there is hereby imposed an additional one half of one per cent sales and use tax for the period July 1, 1983, through March 31, 1984, or for the period beginning on the first day of the first month following the effective day of this act and continuing for nine calendar months, whichever date may legally take effect earlier. All proceeds from this additional tax shall be paid to the Cash Reserve Fund.

(2) Any money in the Cash Reserve Fund available for investment shall be invested by the State Investment Officer pursuant to sections 72-1237 to 72-1269 and any interest earned shall accrue to the Cash Reserve Fund.

(3) The tax imposed under this section shall not be considered a rate increase for purposes of subsection (7) of section 77-2704.

Sec. 8. The sales and use tax imposed under section 7 of this act is in addition to the sales and use tax imposed under the provisions of Chapter 77, article 27, and shall be interpreted, collected, remitted, and enforced by the Tax Commissioner under the provisions of Chapter 77, article 27.

Sec. 9. Any transfer of funds made pursuant to section 5 of this act and which has not been reversed as provided in such section shall be considered an encumbrance against the General Fund.

Sec. 10. Sections 2 to 9 and 12 of this act shall become operative on July 1, 1983. The other sections of this act shall become operative on their effective date.

Sec. 12. That original sections 77-27,137, 77-27,137.01, and 79-1333, Revised Statutes Supplement, 1982, are repealed.".

3. Renumber original section 2 as section 11, and renumber the section added by the Standing Committee amendments as section 13.

Messrs. Hoagland, Pappas, and Mrs. Morehead asked unanimous consent to print the following amendment to LB 370 in the Journal. No objections. So ordered.

AM1297

1. Insert the following new section:

"Sec. 14. That section 79-442, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

79-442. Except as provided in section 70-624.04, no school officer shall be a party to any oral or written school contract for building, furnishing supplies, services, or sale of real estate except through condemnation, (1) in amounts in excess of two thousand and less than ten dollars ~~for Class IV and V districts and ten thousand dollars for Class I, II, III, and VI districts~~ in any one school year ~~, and no~~ unless the contract is awarded through an open and public process pursuant to section 49- 14,102, and (2) in amounts in excess of ten thousand dollars in any one school year unless the contract is awarded through an open and public process in conformance with Chapter 73, article 1, including giving prior public notice that a contract is to be let and making all contract bids or offers available for public inspection within a reasonable time after the opening during the regular office hours of the contracting governmental body. Regardless of the dollar amount of any such contract, no school officer who is or may be a party to such contract shall participate in any manner in the preparation of specifications for the contract, in the opening of any bid or proposal for such contract, or in any review or discussion of such bid, proposal, or contract with any school staff, or participate in any school board discussion or vote concerning such contract. No contract may be divided for the purpose of evading the requirements of this section. The ~~; Provided, the~~ receiving of deposits, cashing of checks, and buying and selling warrants and bonds of indebtedness of any school district of this state by a financial institution shall not be considered a contract under the provisions of this section. Ownership ~~; and provided further, that ownership~~ of less than one per cent of the outstanding stock of any one class shall not constitute an interest, direct or indirect, within the meaning of this section. Any officer of a board of education, ~~any~~ person, ~~any~~ agent, official, or employee of a firm or corporation, or any firm or corporation violating the provisions of this section shall be guilty of a Class IV felony. In addition thereto, if such a person is a member of a board of education he or she shall be ousted from public office by a court having jurisdiction.".

2. On page 14, line 7, strike "and" and after

"23-324.07," insert "and 79-442,".

3. Renumber remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 327. Title read. Considered.

Standing Committee amendment, AM0708, found in the Journal on page 933 for the Forty-Third Day was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 32. Title read. Considered.

Standing Committee amendments, AM0824, found in the Journal on page 1101 for the Fiftieth Day were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Warner offered the following amendment:
AM1115

1. Insert the following new sections:

"Sec. 6. When the Attorney General, on behalf of a state agency or political subdivision, is authorized to investigate, file suit, or otherwise take action in connection with violations under sections 59-801 to 59-830, any recovery of damages or costs by judgment, court decree, settlement in or out of court, or other final result shall be subject to the following:

(1) Upon recovery of damages or any monetary payment except criminal penalties, the costs, expenses, or billings incurred by any state agency or political subdivision in any investigation or other action arising out of a violation under sections 59-801 to 59-830 shall be sought out in any judgment, court decree, settlement in or out of court, or other final result. Any recovered costs shall be deposited by the Attorney General in the fund from which such costs were expended.

(2) When the Attorney General makes recovery pursuant to sections 59-801 to 59-830 on behalf of a state agency or political subdivision of any money, funds, securities, or other things of value in the nature of civil damages or other, except criminal penalties, whether such recovery shall be by way of verdict, judgment, compromise, or settlement in or out

of court, or other final disposition of any case or controversy, such money, funds, securities, or other things of value shall be deposited by the Attorney General in the fund from which the funds which are being recovered were expended.

Sec. 7. When the Attorney General, on behalf of a state agency or political subdivision, is authorized to investigate, file suit, or otherwise take action in connection with violations under sections 59-1601 to 59-1623, any recovery of damages or costs by judgment, court decree, settlement in or out of court, or other final result shall be subject to the following:

(1) Upon recovery of damages or any monetary payment except criminal penalties, the costs, expenses, or billings incurred by any state agency or political subdivision in any investigation or other action arising out of a violation under sections 59-1601 to 59-1623 shall be sought out in any judgment, court decree, settlement in or out of court, or other final result. Any recovered costs shall be deposited by the Attorney General in the fund from which such costs were expended.

(2) When the Attorney General makes recovery pursuant to sections 59-1601 to 59-1623 on behalf of a state agency or political subdivision of any money, funds, securities, or other things of value in the nature of civil damages or other, except criminal penalties, whether such recovery shall be by way of verdict, judgment, compromise, or settlement in or out of court, or other final disposition of any case or controversy, such money, funds, securities, or other things of value shall be deposited by the Attorney General in the fund from which the funds which are being recovered were expended.

Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the Standing Committee amendment, on page 1, line 8, strike "6" and insert "8".

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 Review with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 619. Title read. Considered.

Standing Committee amendments, AM0832, found in the Journal on page 1119 for the Fifty-First Day were adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Clark asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 120 in the Journal. No objections. So ordered.

AM1293

(Amendments to Final Reading Copy)

1. On page 24, line 13, after "39-634.01." insert "It is the intent of this section to declare it is in the interest of the State of Nebraska and to the traveling public to erect official specific information signs within the highway right- of- way to provide information to the traveling public for food, motor fuel, lodging, and camping as provided in Title 23, section 131, paragraph F, of the United States Code, and federal regulations adopted pursuant thereto.".

2. On page 25, line 19, after the stricken period insert "If federal funds are available for the erection of informational signs the commercial vendor shall provide the appropriate matching funds as required in Title 23, Section 131, paragraph F, of the United States Code, and federal regulations adopted pursuant thereto.".

Mr. Remmers asked unanimous consent to print the following amendment to LB 253 in the Journal. No objections. So ordered.

AM1307

(Amendments to the Standing Committee amendments)

1. On page 1, lines 4 and 9, strike "twenty- five" and insert "forty"; and in lines 5 and 10 strike "fifty" and insert "seventy- five".

2. On page 2, line 8, strike "Twenty- five" and insert "Forty"; and in line 10 strike "fifty" and insert "seventy- five".

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will meet in Room 1003 at 10:00 a.m. on Friday, April 29.

MOTION - Recommit LB 469 to Committee

Messrs. DeCamp and Haberman moved that LB 469 be recommitted to the Appropriations Committee pursuant to Rule 8(b) for purposes of a public hearing.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 447. Title read. Considered.

Mr. Lamb raised a point of order whether LB 447 should be considered a priority bill because Law Enforcement and Justice Advisory Committee is not authorized to conduct public hearings as is required pursuant to Rule 5, Section 5(b).

Rule 5, Section 5(b) requires that only committees which are authorized to conduct public hearings may designate priority bills.

The Chair sustained Mr. Lamb's point of order.

VISITORS

Visitors to the Chamber were 8 members of the Champion Extension Club from Nemaha County; and 24 fourth grade students, teacher, and sponsors from Louisville.

ADJOURNMENT

At 4:48 p.m., on a motion by Mr. Barrett, the Legislature adjourned until 8:30 a.m., Thursday, April 28, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-THIRD DAY - APRIL 28, 1983

LEGISLATIVE JOURNAL

SEVENTY-THIRD DAY - APRIL 28, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

SEVENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 28, 1983

Pursuant to adjournment, the Legislature met at 8:33 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Father Don Hanway, St. Mark's on-the-Campus, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Cullan, Fowler, Haberman, Newell, Rupp, Warner, Miss Kilgarin, Mesdames Higgins, Labedz, and Marsh.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Second Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 124. Placed on Select File as amended.
E & R amendments to LB 124:
AM5133

1. On page 1, line 1, after the semicolon insert "to amend sections 81-1606, 81-1610 to 81-1615, 81-1617, 81-1620, 81-1622, and 81-1625, Reissue Revised Statutes of Nebraska, 1943, and sections 66-1030, 66-1035, 66-1047, 66-1048, 66-1055, 77-2715, 81-1609, 81-1616, 81-1618, 81-1623, and 81-1632, Revised Statutes Supplment, 1982;"; in line 2 after "Office" insert "and the Building Energy Conservation Standards Board"; strike beginning with "amend" in line 6 through "1982" in line 11 and insert "define a term; to redefine terms;

to harmonize provisions; to extend a termination date"; in line 12 strike "sections 81-1622," and insert "section" and strike "and"; in line 13 strike "81-1625," and in line 14 strike "81-1623" and insert "81-1621".

2. On page 4, line 25, strike "record-keeping", show as stricken, and insert "recordkeeping".

3. In the Standing Committee amendments:

(a) On page 1, line 1, strike "any" and insert "Any";

(b) On page 2, strike beginning with "in" in line 24 through the semicolon in line 25;

(c) On page 11, line 12, strike "standard" and insert "Nebraska Building Energy Conservation Standard";

(d) On page 13, line 22, strike the underscored comma; and in line 24 after the semicolon insert "and"; and

(e) On page 14, in lines 3, 7, and 9, strike the underscored semicolon and insert an underscored period; in line 4 strike "(3)"; in line 8 strike "(4)"; in line 10 strike "and"; in line 11 strike "(5)"; and in line 15 strike "are" and insert "shall be".

4. In the Vickers amendment adopted April 25, strike "substandard" and insert "or substandard".

LEGISLATIVE BILL 494. Placed on Select File as amended.
E & R amendments to LB 494:
AM5134

1. On page 1, line 12 strike "and" and after "sections" insert "; and to declare an emergency".

2. On page 8, line 5, strike the underscored comma; in line 6 after "exemption" insert an underscored comma; and in line 7 strike "then".

LEGISLATIVE BILL 388. Placed on Select File.

(Signed) Rod Johnson, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 74.

RESOLUTIONS

LEGISLATIVE RESOLUTION 77.

Introduced by Cullan, 49th District.

WHEREAS, Edward M. Knight was a lifelong resident of the State of Nebraska and the city of Alliance; and

WHEREAS, Mr. Knight served as assistant cashier, vice president, executive vice president, president, and finally chairman of the board of the Alliance National Bank and Trust Company and constantly strived during his lifetime for advancements in the banking industry for the benefit of Nebraska consumers; and

WHEREAS, Mr. Knight was recognized for his dedicated work in the banking industry by the Nebraska Bankers Association and was given a fifty-year service award for this work; and

WHEREAS, Mr. Knight was an active leader and participant in a number of state and local social, governmental, commercial, and religious organizations; and

WHEREAS, Mr. Knight's contributions and commitment to his community and his profession are an inspiration to all Nebraska citizens and will be greatly missed by the residents of the city of Alliance and the people of the State of Nebraska; and

WHEREAS, Edward M. Knight passed from this life on March 3, 1983.

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

1. That the Legislature acknowledges the many years of dedicated service made by Edward M. Knight to his city and his state.

2. That the members of the Legislature express their warmest sympathy to the members of Mr. Knight's family with the hope that the knowledge of his many contributions to the city of Alliance and to the state will serve as special consolation at this time of loss.

3. That a copy of the resolution be presented to Mr. Knight's wife, Mrs. Ruth Knight, and his sons Robert and Frank Knight.

Laid over.

LEGISLATIVE RESOLUTION 75. Read. Considered.

LR 75 was adopted with 35 ayes, 0 nays, and 14 not voting.

MOTION - Return LB 236 to Select File

Mr. Beutler moved to return LB 236 to Select File for his specific

amendment found in the Journal on page 1737.

Mr. Beutler asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 236.

A BILL FOR AN ACT to amend sections 2-1575 to 2-1578, Reissue Revised Statutes of Nebraska, 1943, and section 2-1579, Revised Statutes Supplement, 1982, relating to resources conservation; to rename an act and a fund; to provide intent; to define a term; to provide for the expenditure of funds; to provide for agreements; 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Schmit	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Wiitala	Withem	

Voting in the negative, 0.

Excused and not voting, 5:

Cullan	Higgins	Kilgarin	Labedz	Rupp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

VISITOR

Visitor to the Chamber was Charlie H. Y. Lu from Taiwan where he

spoke to the members briefly.

PRESENTATION

National Association of Public Televisions Stations Award was presented to the Nebraska State Legislature.

SPEAKER NICHOL PRESIDING

MESSAGE FROM THE GOVERNOR

April 27, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 304, 505, 533, 565, 620 and 624 were received in my office on April 21, 1983.

These bills were signed by me on April 27, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

STANDING COMMITTEE REPORT
Public Health and Welfare

The Public Health and Welfare Committee met in Executive Session on April 27, 1983 for the purpose of the Confirmation of the appointments of Milton Evans, Elsie Barrett, Mrs. Dwight Burney, Nancy O'Brien, Mary Jeanne Adams and JoAnn LeBaron to the Foster Care Review Board.

The Committee voted 4-0-3 in favor of these appointments. Senators Barrett, Fenger, Withem and R. Peterson voted AYE. Senators Rupp, Higgins and Wesely were not present.

(Signed) George Fenger, Chairperson

NOTICE OF COMMITTEE HEARING
Public Health and Welfare

Confirmation Hearing:
Thursday May 12, 1983 1:00 p.m.

Manufactured Housing Advisory Board:
Martin Huff, Rod Tompkins, Joe Rogers, Tim Lynch
State Board of Health:
Bob Rohling
Advisory Committee on Public Welfare, Institutions and Corrections:
Ron Cope
Department of Institutions:
Ron Jensen - Director
Foster Care Review Board:
Dr. John P. Murray

(Signed) George Fenger, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 263. With Emergency.

A BILL FOR AN ACT to amend sections 48-157, 48-162, and 48-165, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Workmen's Compensation Court; to authorize the establishment of fees for certain services as prescribed; to create the Nebraska Workmen's Compensation Court Cash 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, 48:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.

Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 0.

Excused and not voting, 1:

Cullan

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 266. With Emergency.

A BILL FOR AN ACT to amend section 48-162.01, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Workmen's Compensation Court; to change provisions relating to funding for vocational rehabilitation; and 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 0.

Excused and not voting, 1:

Cullan

A constitutional two-thirds majority having voted in the

affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 96 to Select File

Mr. Chambers moved to return LB 96 to Select File for the following specific amendment:

Strike the enacting clause.

Messrs. Carsten and Wagner asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Pappas asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Chambers requested a roll call vote on his motion to return.

Voting in the affirmative, 16:

Beutler	Chambers	Eret	Fowler	Haberman
Hannibal	Higgins	Marsh	Morehead	Nichol
Rupp	Schmit	Vickers	Warner	Wesely
Wiitala				

Voting in the negative, 29:

Abboud	Barrett	Beyer	Chronister	Clark
DeCamp	Fenger	Goll	Goodrich	Hefner
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Newell	Peterson, H.	Peterson, R.	Pirsch
Remmers	Sieck	Von Minden	Withem	

Excused and not voting, 4:

Carsten	Cullan	Pappas	Wagner

The Chambers motion to return lost with 16 ayes, 29 nays, and 4 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 96. With Emergency.

A BILL FOR AN ACT to amend section 39-1304.02, Reissue Revised Statutes of Nebraska, 1943, relating to highways; to change provisions relating to payment of certain costs; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 34:

Abboud	Barrett	Beyer	Chronister	Clark
DeCamp	Eret	Fenger	Goll	Goodrich
Haberman	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Newell
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Sieck	Von Minden	Wiitala	Withem	

Voting in the negative, 9:

Chambers	Fowler	Marsh	Morehead	Nichol
Schmit	Vickers	Warner	Wesely	

Present and not voting, 2:

Beutler	Hannibal

Excused and not voting, 4:

Carsten	Cullan	Pappas	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.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 108.

A BILL FOR AN ACT to amend section 84-712.05, Reissue Revised Statutes of Nebraska, 1943, relating to public records; to restrict the disclosure of certain records; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Barrett	Beutler	Beyer	Chambers
Chronister	Clark	DeCamp	Eret	Fenger
Fowler	Goodrich	Haberman	Hefner	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Vickers	Von Minden	Warner	Wesely
Wiitala	Withem			

Voting in the negative, 0.

Present and not voting, 2:

Goll Hannibal

Excused and not voting, 5:

Carsten Cullan Higgins Pappas Wagner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 214 to Select File

Mr. Hefner moved to return LB 214 to Select File for his specific amendment, AM1263, found in the Journal on page 1764.

The motion to return prevailed with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 214. The Hefner specific amendment, AM1263, found in the Journal on page 1764 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.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 350. With Emergency.

A BILL FOR AN ACT relating to utilities; to define terms; to provide civil remedies for diversion of utility services; to provide severability; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud	Barrett	Beyer	Chronister	Clark
DeCamp	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hannibal	Hefner	Hoagland
Jacobson	Johnson, L.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Vickers	Von Minden	Warner	Wesely	Wiitala
Withem				

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Beutler Johnson, R.

Excused and not voting, 5:

Carsten	Cullan	Higgins	Pappas	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 579. With Emergency.

A BILL FOR AN ACT relating to the Department of Agriculture; to authorize the providing of management services; to provide duties; to create a fund; to provide for payment of expenses; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Barrett	Beutler	Beyer	Chambers
Chronister	Clark	DeCamp	Eret	Fenger
Fowler	Goll	Goodrich	Haberman	Hannibal
Hefner	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Marsh	Morehead	Newell
Nichol	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Warner	Wesely	Wiitala	Withem	

Voting in the negative, 0.

Excused and not voting, 5:

Carsten	Cullan	Higgins	Pappas	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 579A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 579, Eighty-eighth Legislature, First Session, 1983; to lapse an appropriation; to transfer funds; to reduce certain limitations on salaries and per diems; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Abboud	Barrett	Beyer	Chambers	Chronister
Clark	DeCamp	Eret	Fenger	Fowler
Goll	Goodrich	Haberman	Hannibal	Hefner
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol

Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Sieck	Vickers	Von Minden	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 5:

Carsten	Cullan	Higgins	Pappas	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.

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 27, 1983. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Foley, John C. - Des Moines, IA, (Withdrawn 4-22-83), Hawkeye Bancorporation
Harding, William A. - Lincoln, Information Technology, Inc.

UNANIMOUS CONSENT - Withdraw Amendment to LB 234

Mr. Wiitala asked unanimous consent to withdraw his pending amendment, AM1003, found in the Journal on page 1499 to LB 234. No objections. So ordered.

MOTION - Return LB 234 to Select File

Mr. Wiitala moved to return LB 234 to Select File for the following specific amendment:
AM1265

(Amendments to the Final Reading Copy)

1. On page 1, line 8, after the first

semicolon insert "to provide procedures for the training and certification of inspectors;".

2. On page 2, line 8, after "motorcycles" insert "manufactured within the previous five years".

3. On page 5, line 25, strike ", or his or her designee," and insert "or by any other holder of a current certificate of training"; and in line 27 before the comma insert "conducted by a peace officer".

4. On page 6, line 1, strike "clerk to" and insert "treasurer and for each inspection conducted by an individual other than a peace officer a fee of five dollars shall be paid to the county treasurer. All such fees shall"; in line 2, strike "office" and insert "vehicle inspection account within the county general fund"; in line 3 after "include" insert "examination and notation of the current odometer reading and"; in line 17 after the period insert "The identification inspection shall also include a statement that the vehicle identification number has been checked for entry in the National Crime Information Center and the Nebraska Crime Information Service. If the person performing the inspection is not a peace officer, the sheriff shall provide, or cause to be provided, the National Crime Information Center and the Nebraska Crime Information Service record check. The person performing the inspection shall notify the sheriff if there is reason to believe further inspection is necessary or if the vehicle is not the vehicle described by the ownership records and a peace officer shall complete the inspection and initiate such further investigation as may be warranted. If there is cause to believe that odometer fraud exists, notification shall be given to the Department of Motor Vehicles."; and in line 24 strike "10" and insert "20".

5. On page 7, line 13, strike "June 30," and insert "January 1,", and after the period insert "The Director of Motor Vehicles may utilize the Nebraska Law Enforcement Training Center or the assistance of the Nebraska State Patrol to accomplish the training requirements of sections 3 to 13 of this act.".

6. Insert new sections as follows:

"Sec. 3. For purposes of sections 60- 106 and 3 to 13 of this act, unless the context otherwise requires:

(1) Department shall mean the Department of

Motor Vehicles;

(2) Director shall mean the Director of Motor Vehicles;

(3) Inspection shall mean an identification inspection conducted pursuant to section 60-106;

(4) Licensee shall mean a person having a current license pursuant to Chapter 60, article 14, including all officers, stockholders, partners, and other persons having a financial interest in the licensee; and

(5) Sponsoring licensee shall mean a licensee whose chief officer holds a current certificate of training and who employs an applicant for a certificate or a certificate holder.

Sec. 5. The sheriff shall designate a sufficient number of persons to become certified to assure completion of inspections with reasonable promptness.

Sec. 6. Except as provided in section 13 of this act, no person shall conduct an inspection unless he or she is the holder of a current certificate of training issued by the Department of Motor Vehicles. The certificate of training shall be issued upon completion of a course of instruction, approved by the department, in the identification of stolen and altered vehicles. The director may require an individual to take such additional training as he or she deems necessary in order to maintain a current certificate of training.

Sec. 7. The sheriff may designate any individual who is a peace officer, licensee, or an employee of a licensee to assist in accomplishing inspections. Upon designation the person shall request approval for training from the director. Any person requesting approval for training shall submit a written application to the department. Such application shall include the following information: (1) The name and address of the applicant, (2) the name and address of the sponsoring licensee, if the applicant is not a peace officer, (3) the name and address of the agency employing the applicant and the name of the agency head, if the applicant is a peace officer, and (4) such biographical information as the director may require to facilitate an investigation of the applicant's qualifications and character.

Sec. 8. (1) Upon receipt of an application for training pursuant to section 7 of this act the department may inquire into the qualifications of the applicant and may request the Nebraska State Patrol to inquire into the background of the applicant. If the applicant is a licensee the chief officer of such licensee shall serve as the individual making application, except that the inquiry into qualifications and background may, at the discretion of the director, include any person who is an officer, stockholder, partner, or has any other financial interest in the licensee.

(2) The department shall not approve any applicant who:

(a) If the applicant is a peace officer, licensee, or an employee of a sponsoring licensee, has (i) knowingly purchased, sold, or done business in stolen motor vehicles, motorcycles, or trailers, or parts therefor, (ii) been found guilty of any felony which has not been pardoned, has been found guilty of any misdemeanor concerning fraud or conversion, or has suffered any judgment in any civil action involving fraud, misrepresentation, or conversion, or (iii) made a false material statement in his or her application;

(b) If the applicant is a licensee, (i) has, within the previous five years, violated subdivision (3), (6) through (9), (13), (14), (15), (17), or (18) of section 60- 1411.02, (ii) has, within the previous five years, had a license, issued under Chapter 60, article 14, suspended for violation of any provision enumerated in subdivision (b)(i) of this subsection, (iii) has had his or her license, issued pursuant to Chapter 60, article 14, revoked for any reason, or (iv) does not have a permanent business location with adequate inspection facilities including a hoist; or

(c) If the applicant is an employee of a sponsoring licensee, is employed by a licensee whose chief officer does not hold a current certificate of training or who does not have a permanent business location with adequate inspection facilities including a hoist.

Sec. 9. The department may, after notice and a hearing, revoke a certificate issued pursuant to sections 3 to 13 of this act. The department shall only be required to hold a hearing if the hearing is

requested in writing within fifteen days after notice of the proposed revocation is delivered by the department. The department may revoke a certificate for any reason for which an applicant may be denied approval for training pursuant to section 8 of this act. The department shall revoke the certificate of any employee of a sponsoring licensee if such employee ceases employment with the sponsoring licensee whose name appears on the application submitted to the department. The department may revoke a certificate if the holder fails to keep a certificate current by taking any additional training the department may require. The department may revoke a certificate if the department finds that the holder is incompetent. A rebuttable presumption of incompetence shall arise from a finding by the department or a court of competent jursidiction that the certificate holder has issued a statement of inspection for a stolen vehicle.

Sec. 10. No individual, other than a peace officer, shall attend training funded under sections 3 to 13 of this act unless such individual has been designated by a sheriff and approved by the department.

Sec. 11. A certificate holder who is an employee of a licensee shall not inspect any vehicle which is not owned by his or her sponsoring licensee. A certificate holder who is a licensee shall not inspect any vehicle which he or she does not own.

Sec. 12. The director shall, from time to time, provide each county clerk and sheriff with a list of persons holding current certificates of training.

Sec. 13. Prior to July 1, 1984, any individual who has been designated by a sheriff and approved for training by the department may conduct identification inspections even though he or she has not received a certificate of training.".

7. On page 8, line 7, strike "fifty" and insert "twenty- five"; strike beginning with "and" in line 9 through "dollars" in line 10; in line 14 after the period insert "Twenty- five cents of the fee for a certificate of title shall be paid to the State Treasurer to be credited to a fund to be administered by the Consumer Protection Division of the Attorney General's office at the direction of the Attorney General for the purpose of odometer fraud investigation and prosecution."; and strike "twenty- five" and insert

"fifty"; and in line 17 strike "3" and insert "4".

8. On page 9, line 21, strike "5" and insert "15"; and in line 26, strike "10" and insert "20".

9. On page 10, line 21, strike "5" and insert "15".

10. On page 13, line 18, strike "10 and 13 to 18" and insert "20 and 23 to 28".

11. On page 21, line 1, after "which" insert "premises,".

12. On page 23, line 17, strike "13 to 18" and insert "23 to 28".

13. On page 25, lines 9 and 10 strike the new matter and reinstate the stricken matter.

14. On page 26, line 22, strike "5" and insert "15".

15. On page 27, in line 4, strike "13" and insert "23"; and in lines 7 and 8 and 19, strike "13 to 15" and insert "23 to 25".

16. On page 28, line 3, strike "13 to 15" and insert "23 to 25"; and in line 12 strike "10" and insert "20".

17. Renumber original sections 3 and 4 to 20 as sections 4 and 14 to 30, respectively.

The motion to return prevailed with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 234. The Wiitala 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 Re-Engrossment.

MOTION - Return LB 234 to Select File

Mr. Beutler moved to return LB 234 to Select File for the following specific amendment:

Strike lines 26 & 27, page 28 and line 1, page 29.

The motion to return prevailed with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 234. The Beutler specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

EXPLANATION OF VOTE

Had I been present, I would have voted aye on the final passage of LB's 108, 350, 579, and 579A.

(Signed) Marge Higgins

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 408 in the Journal. No objections. So ordered.

AM1305

1. Insert the following new sections:

"Sec. 3. The Department of Public Institutions is authorized to sell by quitclaim deed the property within the city of Lincoln, Lancaster County, Nebraska described as lot 1 except the south one hundred forty-nine and seventy-five hundredths feet thereof, and all of lots 2, 3, 4, 5, 6, 7, and the north thirty-one and one-tenth feet of lot 8, block 1, South Park Addition, city of Lincoln, Lancaster County, Nebraska, and also, lot 135, irregular tract in the southeast quarter of section 35, township 10 north, range 6 east of the sixth principal meridian, Lancaster County, Nebraska. The department is hereby authorized to sell such tract to Lancaster County at a cost to be determined by independent assessments by the department and Lancaster County.

Sec. 4. The Department of Public Institutions may convey the tract of land described in section 3 of this act in its entirety or by parcel thereof as determined by the Director of Public Institutions at a cost of not less than the fair market value and subject to any easements, restrictions, or reservations that the director deems necessary. Lancaster County shall have the right of first refusal to purchase the land based on an offer presented to it by the department or at a price

negotiated with the department so long as that price is not less than the fair market value. The department may sell the land or a portion or portions thereof to Lancaster County in a contract for the sale of land or a lease with an option to purchase agreement, the terms and conditions of which are within the director's discretion, except that the contract shall not exceed ten years. If the Department of Public Institutions and Lancaster County are unable to reach an agreement on the price and terms of the sale of the land or a portion or portions thereof to Lancaster County within ninety days after the department's offer of such terms to the county, the department may sell the land or a portion or portions thereof, as determined by the director, by public bid or auction.".

2. In the Warner Amendment adopted on April 21, (a) on page 3, line 26, strike "5" and insert "7", and (b) on page 4, line 4, strike "and 2" and insert "to 3".

3. Renumber the remaining sections accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 410 in the Journal. No objections. So ordered.

AM1320

(Amendments to the Final Reading Copy)

1. On page 9, line 4, after the period insert "The first priority for such other projects shall be the renovation of Morrill Hall at the University of Nebraska-Lincoln, three million two hundred thousand dollars.".

GENERAL FILE

LEGISLATIVE BILL 17. Title read. Considered.

Standing Committee amendments, AM0678, printed separate from the Journal and referred to on page 906 were considered.

Mr. DeCamp requested a division of the question of the Standing Committee amendments.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:

1. On page 4, line 8, strike "water and sewer service provided for"

The first Standing Committee amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

The second Standing Committee amendment is the remainder of the Standing Committee amendment.

Pending.

Mr. Sieck asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. LAMB PRESIDING

PRESIDENT MCGINLEY PRESIDING

Mr. Lamb and Mrs. Higgins asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 236, 263, 266, 96, 108, 350, 579, and 579A.

GENERAL FILE

LEGISLATIVE BILL 17. The second Standing Committee amendment was considered.

Mr. Lundy 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. Hefner moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mrs. Marsh requested a roll call vote on the second Standing Committee amendment.

Voting in the affirmative, 23:

Beutler	Fowler	Hannibal	Hefner	Higgins
Hoagland	Johnson, V.	Kahle	Kilgarin	Labedz

Landis	Lundy	Marsh	Morehead	Newell
Pirsch	Rupp	Sieck	Vickers	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 20:

Abboud	Barrett	Beyer	Chronister	Clark
DeCamp	Eret	Fenger	Goll	Goodrich
Haberman	Jacobson	Johnson, L.	Johnson, R.	Nichol
Peterson, H.	Peterson, R.	Remmers	Schmit	Von Minden

Present and not voting, 1:

Chambers

Excused and not voting, 5:

Carsten	Cullan	Lamb	Pappas	Wagner

The second Standing Committee amendment lost with 23 ayes, 20 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Pending.

VISITORS

Visitors to the Chamber were Larry and Ruth Nelson, Mrs. Evelyn Nelson, and Shawn from Arlington; 33 students and teacher from Sandy Creek School in Clay County; 37 fourth grade students, teacher, and sponsor from Rose Hill; 12 students, teacher, and sponsors from Strang; 72 fourth grade students and teachers from Westmont School, Springfield; 45 students and instructor from UN-L; 50 eighth grade students, teachers, and sponsor from Our Lady of Lourdes, Omaha; 10 seventh and eighth grade students and teacher from Platte Center; 40 students, teacher, and sponsors from Willard Elementary, York; 47 students and principal from Central High School, Omaha; 80 students and teachers from Crestridge School, Omaha; a group of fourth grade students and sponsors from Omaha; and Senator Beyer's son, Randy, his wife, Kathy, and their son, Mike.

RECESS

At 11:48 a.m., on a motion by Mr. Von Minden, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m, President McGinley presiding.

ROLL CALL

The roll was called and all members were present except Mr. Pappas who was excused; and Messrs. Carsten, Cullan, V. Johnson, R. Peterson, and Wagner who were excused until they arrive.

ATTORNEY GENERAL'S OPINION

Opinion No. 95
April 28, 1983

Re: Class C and Class CC Operator's Licenses

Dear Senator Wagner:

You have requested an opinion from this Office concerning a possible conflict between Neb.Rev.Stat. §60-403.06 (1982 Supp.) and §60-403.07 (Reissue 1978). Section 60-403.06 (1) provides as follows:

> Except as provided in subsection (2) of this section, no person shall operate a truck or truck-tractor as defined in section 60-301, which is registered for more than twenty-four thousand pounds gross vehicle weight until such person shall have obtained a class C or a class CC operator's license. Such license will not be necessary if a person has a valid motor vehicle operator's license that has not been required to be renewed since July 1, 1976.

Section 60-403.07 provides that:

> For the the purposes of sections 60-403.06 to 60-403.10, a class C license shall mean a license required for trucks as defined in subdivision (3) of section 60-301, registered for more than twenty-four thousand pounds gross vehicle weight and carrying cargo, and a class CC license shall mean a license required for a truck-tractor as defined in subdivision (7) of section 60-301, registered for more than twenty-four thousand pounds of gross vehicle weight and drawing another vehicle or vehicles that are carrying cargo.

Your specific question is whether or not the prohibition contained in §60-403.06 that: "No person shall operate a truck or truck-tractor . . . until such person shall have obtained a class C or a class CC operator's license." On the other hand, from a cursory reading of §60-403.07 it would appear that these licenses are only necessary if a truck or truck-tractor is carrying cargo.

It is well established that in determining legislative intent, the

entire act must be considered with regard to the particular topic in question. The intent thus found from a general consideration will prevail over the intent found by a separate consideration of a particular part. Bickels v. State Department of Roads, 178 Neb. 825, 135 N.W.2d 872 (1965). Therefore, it is important to place emphasis on the first phrase of the sentence in §60-403.07 which provides that: "For the purposes of section 60-403.06 to 60-403.10 . . ." This section obviously then defines class C and class CC licenses for the purpose §60-403.06, it becomes apparent that the blanket prohibition in that section would contain the qualification that these trucks or truck-tractors are carrying cargo.

While we would submit that the language is perhaps not as clear and concise as it could be, we do not perceive a conflict between these two sections.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ruth Anne E. Galter
Assistant Attorney General

REG:ekj
cc: Patrick J. O'Donnell
Clerk of the Legislature

REFERENCE COMMITTEE REPORTS

The Legislative Council Executive Board hereby submits the attached Reference Reports No. XI and XII, Governor's Appointments, which were approved by the Board on April 14th and 15th.

Public Health and Welfare

Ron Jensen - Director, Department of Public Institutions
Henry D. Smith, M.D. - Director, Department of Health

The Legislative Council Executive Board submits the attached report on the referral of the following legislative resolutions:

LR	Committee
62	Public Works
70	Revenue
71	Government, Military, and Veterans Affairs
72	Government, Military, and Veterans Affairs

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

GENERAL FILE

LEGISLATIVE BILL 17. Messrs. Beutler and DeCamp offered the following amendment:
(Amendment printed separate and on file in the Clerk's Office - AM1327.)

Speaker Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mr. Beutler moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Beutler requested a roll call vote on the Beutler-DeCamp amendment.

Voting in the affirmative, 25:

Beutler	Chambers	Chronister	Clark	DeCamp
Eret	Fowler	Haberman	Hannibal	Jacobson
Johnson, L.	Johnson, R.	Kahle	Lamb	Marsh
Morehead	Nichol	Peterson, H.	Pirsch	Remmers
Rupp	Vickers	Von Minden	Warner	Wesely

Voting in the negative, 18:

Abboud	Barrett	Beyer	Fenger	Goll
Goodrich	Hefner	Higgins	Hoagland	Johnson, V.
Kilgarin	Labedz	Landis	Lundy	Newell
Sieck	Wiitala	Withem		

Absent and not voting, 1:

Schmit

Excused and not voting, 5:

Carsten	Cullan	Pappas	Peterson, R.	Wagner

The Beutler-DeCamp amendment was adopted with 25 ayes, 18 nays, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Newell offered the following amendment:

Add all computer software to LB 17

Speaker Nichol requested a ruling of the Chair on whether the Newell amendment was a reconsideration of the Standing Committee amendment 2.

The Chair ruled the amendment is a reconsideration.

Mr. Goodrich offered the following amendment:
PURPOSE: to restrict the tax to software sold at retail.

On pg 1, line 23 of the Beutler-DeCamp amendment, Req 1327, insert "at retail" after "repeated"

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

Advanced to E & R for Review with 30 ayes, 2 nays, 13 present and not voting, and 4 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 78.

Introduced by Newell, 13th District; Withem, 14th District; Pirsch, 10th District; Labedz, 5th District; V. Johnson, 8th District; Goodrich, 20th District; Hannibal, 4th District; Haberman, 44th District; Beyer, 3rd District; Hoagland, 6th District; Kilgarin, 7th District.

WHEREAS, The armed forces of the Union of Soviet Socialist Republics invaded the sovereign country of Afghanistan in December of 1979; and

WHEREAS, the Soviet Union maintains an armed force of nearly one hundred forty thousand to occupy and surround the country of Afghanistan; and

WHEREAS, since December of 1979, nearly three hundred thousand Afghan civilians have been killed by the Soviet forces occupying Afghanistan and three million civilians have become refugees; and

WHEREAS, the Soviets have subjected the citizens of Afghanistan to brutal attacks, political imprisonment, and have appropriated the many natural resources of Afghanistan for their own use; and

WHEREAS, the Afghan people are a proud, traditional people and have exhibited extreme bravery through their resistance movement in an attempt to fight off the Soviet occupational forces; and

WHEREAS, Sibghatullah Mujaddadi, President of the Resistance

Coalition, and Mawlawi Muhammad Nabi Muhammadi, a member of the Presidential Council, have been two individuals most responsible for the success of the Afghanistan resistance forces.

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

1. That this Legislature, which holds justice, freedom, and liberty as its highest ideals, condemns the Soviet Union for its invasion and occupation of Afghanistan and urges the Soviet government to withdraw immediately from the borders of Afghanistan.

2. That the Legislature congratulates and encourages the brave members of the Afghanistan resistance movement who continue to fight for the freedom of their country.

3. That copies of this resolution be sent to the President of the United States, the Nebraska Congressional delegation, Ambassador Anatoly Dobrynin, and Mr. Sibghatullah Mujaddadi, President of the Resistance Coalition-Islamic Unity of Afghanistan Freedom Fighters.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 28, 1983, at 1:47 p.m., were the following bills: 236, 263, 266, 96, 108, 350, 579, and 579A.

(Signed) Jan Loder, Enrolling Clerk

ATTORNEY GENERAL'S OPINION

Opinion No. 94
April 27, 1983

Dear Senator DeCamp:

You have submitted to us a copy of a proposed amendment to LB 586, under which all of the original sections of that bill would be stricken, and new sections substituted. You ask our opinion as to the constitutionality of the amendment.

This amendment is, except for updating and one insignificant change, an exact copy of sections 7 to 11 of LB 284, passed by the Legislature in 1981 and codified as Neb.Rev.Stat. §§77-3611 to 77-3615 (Supp. 1981). In our opinion No. 78, issued April 14, 1981, we reached the conclusion that sections 7 to 11 of LB 284 were unconstitutional. After passage of the bill we brought an action in the District Court of Lancaster County to have those sections declared unconstitutional. The

district court agreed with us, and declared them unconstitutional.

In your letter you suggest that the recent case of County of Antelope v. Stenberg, in which the Supreme Court upheld a distribution based upon the ratio of taxes levied by each county to the total taxes levied by all counties, as specified in Neb.Rev.Stat. §77-27,137 (Supp. 1982), somehow changed the picture. You state that this case "clarified and apparently vastly expanded the rights and ability of the Legislature to provide property tax relief."

We completely disagree with that analysis of the effect of that case. The rule is, and always has been, that a legislative classification will be upheld if it has a rational basis. The court felt, as we did, that distribution of state aid to counties on the basis of the ratio of the amount of taxes levied had a rational basis. That is all that the court has ever required of legislative classifications, and is not an "expansion" of the rights of the Legislature, nor a retreat from any of its previous requirements.

Your proposed amendment, however, would make the distribution on the basis of the ratio of assessed valuations of taxable property in each county. We felt in 1981 that such a distribution was irrational, because it gave the most money to counties which needed it least, since a county with the same population as another county, but higher valuation of taxable property, could raise the same amount of taxes as the other county with a proportionately lower mill levy, and would, at the same time, get more state aid. That seemed irrational to us, and to the District Court of Lancaster County. It still seems so to us.

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

RHG:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 210. Title read. Considered.

MR. LAMB PRESIDING

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Fowler renewed his pending amendment, AM0925, found in the Journal on page 1220.

Mr. Fowler moved for a Call of the House. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The Fowler amendment was adopted with 25 ayes, 9 nays, 10 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mrs. Higgins, Messrs. Barrett, Abboud, Kahle, and Lundy asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT MCGINLEY PRESIDING

Speaker Nichol moved the previous question. The question is, "Shall the debate now close?" The motion lost with 13 ayes, 10 nays, and 26 not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 336. Placed on Select File as amended.
E & R amendments to LB 336:
AM5135

1. On page 1, line 1, after "ACT" insert "relating to revenue;"; in line 2 strike "and" and after "77-3425," insert "and 77-3506,"; in line 5, strike "a fund" and insert "funds"; in line 9 strike "and" and insert "to change provisions relating to a homestead exemption; to harmonize provisions;"; and in line 10 after "sections" insert "; and to declare an emergency".

2. On page 2, line 1, strike "This" and insert "Sections 1 to 34 of this"; and strike beginning with "this" in line 13 through "77-3425" in line 14 and insert "sections 1 to 34 of this act".

3. On page 3, line 17, strike "Commissioner" and insert "commissioner".

4. On page 6, line 2, strike "25" and insert "23".

5. On page 7, line 22, and page 9, line 13, strike "30" and insert "28".

6. On page 8, line 9, strike the first comma and after "period" insert an underscored comma.

7. On page 9, lines 18 and 23 after "disbursements" insert an underscored comma.

8. On page 15, line 7, strike the comma and after the second "license" insert an underscored comma.

9. On page 16, line 24, strike the underscored period.

10. On page 17, line 21, strike the comma.

11. On page 23, line 11 and page 24, lines 6 and 13, strike "this act" and insert "the State Lottery Act".

12. In lieu of the Hoagland amendment, on page 4, line 21, strike "except that in any game" and insert "which shall be only of a type"; in lines 21 and 22 strike "or other tangible evidence of participation, each" and insert ". Each"; and in line 24 strike the comma.

13. In the Chambers amendment on page 1724 of the Journal, line 3, strike "$10" and insert "ten" and after "million" insert "dollars"; and insert underscoring in the remainder of the amendment.

14. In the DeCamp amendment, AM1259, on page 2, line 15, strike "35" and insert "33", and in line 22 strike "the State Lottery Act" and insert "this act"; on page 3, line 1, strike "36" and insert "34", in line 3, strike "35" and insert "33", and in line 23 strike "43" and insert "41"; on page 4, line 1, strike "35" and insert "33"; and strike amendment 6.

15. In the Standing Committee amendment, page 1, line 9, strike "32" and insert "30", in line 19 strike "33" and insert "31"; and page 2, line 7, strike "34" and insert "32" and in line 10 strike "31" and insert "29".

LEGISLATIVE BILL 215. Placed on Select File as amended.
E & R amendments to LB 215:
AM5137

1. In the Beutler amendment adopted April 26, strike "that" and insert "such" and underscore all matter in quotation marks.

2. On page 1, line 4, after the semicolon insert "to provide penalties and remedies;".

3. On page 3, line 5, strike the second underscored comma; after line 22 insert:

"(6) Director shall mean the Director of Insurance;"; in line 23 strike "(6)" and insert "(7)"; in line 25 strike "(7)" and insert "(8)"; and in line 27 strike "(8)" and insert "(9)".

4. On page 4, line 2, strike "(9)" and insert "(10)"; and in lines 5 and 24 strike "such" and insert "a".

5. On page 5, line 8, strike "such".

6. On page 6, line 1, strike "compensation" and insert "competition"; in line 7 strike "in"; in line 8 strike "it"; in line 23 after "4" insert "of this act"; and in line 24 strike "of this act".

7. On page 7, line 10, strike "This" and insert "Sections 1 to 5 of this"; in line 26, strike "where" and insert "in which".

8. On page 8, line 9, strike "hers" and insert "her".

LEGISLATIVE BILL 18. Placed on Select File as amended.
E & R amendments to LB 18:
AM5136

1. In the Kilgarin-Barrett amendment adopted April 26 (a) on page 2, line 17, strike "that" and insert "such"; and (b) on page 3, line 2, strike the underscored comma; and in line 5 strike "and" and insert an underscored comma.

2. On page 6, line 17, strike the second comma and the mark following such comma and insert an underscored comma followed by a stricken semicolon.

LEGISLATIVE BILL 18A. Placed on Select File.

LEGISLATIVE BILL 524. Placed on Select File as amended.
E & R amendment to LB 524:
AM5138

1. On page 1, line 1, strike "section" and insert "sections"; and after "48-624" insert "and 48-669"; in line 4 after the semicolon insert "to provide for the determination of certain unemployment benefit amounts;"; and in line 5, strike "section" and insert "sections".

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 412 and 498.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 585 in the Journal. No objections. So ordered.

Page 5, line 23 strike "a Bachelor of Education degree, with"; and strike beginning with the comma in line 24 through "science" in line 26.

Mr. Remmers asked unanimous consent to print the following amendment to LB 429 in the Journal. No objections. So ordered.

(Amendment to Standing Committee Amendments)

Amend the Standing Committee Amendments, page 923 of Legislative Journal, by striking all of Line 19 and on Line 24 by inserting after "thereto" the following: "and necessary in connection with the installation thereof".

Mr. Vickers asked unanimous consent to print the following amendment to LB 154 in the Journal. No objections. So ordered.

AM1299

(Amendments to the Final Reading Copy)

1. On page 3, line 1, after "use" insert "one of" and strike "form" and insert "forms"; in line 2 after "notices:" insert "(i)"; after line 2 insert

"County Weed Control Authority

NOTICE

Section 2- 952, Reissue Revised Statutes of Nebraska, 1943, places an affirmative duty upon every person to control noxious weeds on land under such person's ownership or control. Information received by the board, including an onsite investigation of the county weed control superintendent or a deputy, indicated the existence of an uncontrolled noxious weed infestation on property owned by you at:

..... .

The method of control recommended by the control authority is as follows:

..... .

Other appropriate control methods are acceptable.

Because the stage of growth of the noxious weed infestation on the above specified property warrants immediate control, if such infestation remains uncontrolled after ten days from the date specified at

the bottom of this notice, the control authority may enter upon such property for the purpose of taking the appropriate weed control measures. Costs for the control activities of the weed control authority shall be at the expense of the owner of the property and shall become a lien on the property as a special assessment levied on the date of control.

Superintendent of Weed Control Authority

.....

Chairperson of Weed Control Board Dated

....;

or (ii)";

in line 12 strike "your" and after "property" insert "owned by you"; in line 20 strike "your" and insert "such"; in line 21 strike "will be assessed" and insert "may, upon conviction, be subject to" and strike lines 24 through 27.

2. On page 4, strike lines 1 through 4; in line 9 strike "or controlled"; in line 11, strike "Dated"; in line 13 after "Dated" insert "."; in line 25 strike "(b)" and insert "(a)" and strike "an" and insert "the control authority has caused"; and in line 26 strike "is" and insert "to be".

3. On page 5, line 2 after "(b)" insert "(ii)"; strike beginning with "a" in line 3 through "9" in line 4 and insert "an informal public hearing to allow such landowner opportunity to be heard on the question of the existence of an uncontrolled noxious weed infestation on such landowner's property"; in line 14 after "property" insert "and has not requested a hearing pursuant to subsection (2) of this section"; in line 15 strike "assess fines" and insert "notify the county attorney who shall proceed"; in line 18 strike "or control"; in line 21 after "shall" insert ", upon conviction,"; in line 22 strike "he or she" and insert "the penalty"; in line 23 strike "fined" and insert "a fine of"; and strike beginning with the period in line 25 through line 27.

4. On page 6, line 1, strike "control authority".

5. On page 7, line 21, strike "or is about to occur".

Mr. Remmers asked unanimous consent to print the following amendment to LB 73 in the Journal. No objections. So ordered.

1. Strike Section 7.
2. Renumber remaining section accordingly.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 253 in the Journal. No objections. So ordered.

1. On page 1, line 1, after "1," insert "3," and strike "and"; in line 2, strike "11." and insert "12, and 14."; and in line 15 after "Sec.", strike "4." and insert "3."

2. On page 2, strike lines 15 through 20 and insert "Insert the following new section: Section 5. That original Sections 60-509 and 60-534, Reissue Revised Statutes of Nebraska, 1943, and also Section 60-501, Revised Statutes Supplement, 1982, are repealed."

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 213 in the Journal. No objections. So ordered.

AM1242

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 10. (1) The commission may issue a temporary special event permit for consumption of alcoholic liquors at a designated location for the duration of a special event to a licensee, a municipal corporation, a fine arts museum incorporated as a nonprofit corporation, a religious nonprofit corporation which has been exempted from the payment of federal income taxes, a political organization which has been exempted from the payment of federal income taxes, or other nonprofit corporation the purpose of which is fraternal, charitable, or public service and which has been exempted from the payment of federal income taxes, under conditions specified in this section.

(2) For the purposes of this section, temporary special event shall mean a festival, celebration, ceremony, or other similar occasion which lasts for more than six days and is sponsored by a licensee or an organization listed in subsection (1) of this section.

(3) There shall be a fee of twenty- five dollars for each day identified in the temporary special event permit. Such fee shall be submitted with the application for the temporary special event permit and collected by the commission and deposited with the State Treasurer who shall credit the same to the State General Fund. The applicant shall be exempt from the provisions

of the Nebraska Liquor Control Act requiring a registration fee and the provisions that require an expiration of forty- five days from the time the application is received by the commission prior to the issuance of a permit, if the application is granted by the commission. Any licensee, municipal corporation, organization, or nonprofit corporation seeking a temporary special event permit shall file an application on such forms as the commission may prescribe. Such forms shall contain, along with other information as required by the commission, (a) the name of the applicant, (b) the particular place for which a permit is requested, identified by street and number if practicable, and if not, by some other appropriate description which definitely locates the place, (c) the name of the owner or lessee of the premises for which the permit is requested, (d) sufficient evidence that the holder of the permit, if issued, will carry on the activities and business authorized by the permit for him, her, or itself and not as the agent of any other person, group, organization, or corporation, for profit or not for profit, (e) a statement of the type of activity to be carried on during the time period for which a permit is requested, and (f) sufficient evidence that the activity will be supervised by persons or management who are agents of and directly responsible to the permittee.

(4) No temporary special event permit shall be issued by the commission without the approval of the local governing body. For the purposes of this section, the local governing body shall be the city or village within which the particular place for which the permit is requested is located, or if such place is not within the corporate limits of a city or village, then the local governing body shall be the county within which the place for which the special designated permit is requested is located.

(5) If the applicant meets the requirements of this section, a temporary special event permit shall be granted for the duration of the special event and issued by the commission for use by the permittee. All statutory provisions and rules and regulations of the commission that apply to a retail licensee shall apply to such permittee, with the exception of such statutory provisions and rules and regulations of the commission

so designated by the commission and stated upon the issued permit, except that the commission may not designate exemption of sections 53-180 to 53-180.07. The decision of the commission shall be final. If the applicant does not qualify for a permit, the permit shall be denied by the commission.

(6) A temporary special event permit issued by the commission shall be mailed or delivered to the city, village, or county clerk, as the case may be, who shall deliver the same to the permittee upon receipt of any fee or tax imposed by such city, village, or county.".

2. On page 4, line 11, strike "section 9" and insert "sections 9 and 10".

3. On page 53, line 12, after "permit," insert "temporary special event permit,".

4. Renumber remaining sections accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 410 in the Journal. No objections. So ordered.

AM1331

1. On page 9, strike beginning with "any" in line 2 through "Legislature" in line 4 and insert "the renovation of Morrill Hall at the University of Nebraska-Lincoln, three million two hundred thousand dollars".

ATTORNEY GENERAL'S OPINION

Opinion No. 96
April 26, 1983

Re: LB 170

Dear Senator V. Johnson:

We are responding to your letter in which you request an opinion about whether LB 170 as amended is in violation of Article III, Section 18 of the Nebraska Constitution prohibiting special legislation regarding the protection of game and fish. You specifically ask: "Is it constitutionally permissible for the Legislature to establish a different permit system for the hunting of game which distinguishes landowners from non-land-owners?"

The Nebraska Constitution, Article III, Section 18 reads in pertinent part: "The Legislature shall not pass local or special laws in

any of the following cases, that is to say: . . . The protection of game or fish." The Nebraska Supreme Court in interpreting this section has stated:

> The applicable principles which must guide us are: "The Legislature may classify the subjects, persons, or objects as to which it legislates if such classification rests upon differences in situations or circumstances between things dealt with in one class and those dealt with in another.
>
> The power of classification rests with the Legislature and it will not be interfered with by the courts if real and substantial differences exist which afford a rational basis for classification." Fougeron v. County of Seward [174 Neb. 753, 119 N.W.2d 298 (1963).]

State ex rel. Douglas v. Gradwohl, 194 Neb. 745, 235 N.W.2d 854, 858 (1975). In Fougeron vs. County of Seward, supra, the Court stated: "The act is not special if it operates uniformly upon a classification reasonably made." Id. at 119 N.W.2d 302.

Legislative Bill 170 at Final Reading authorizes limited permits to farmers and ranchers for hunting antelope, deer or wild turkey upon land which they own or lease if they reside upon such land. It further exempts them from payment of the fee for habitat stamp as required by Neb.Rev.Stat. §37-216.01, and amends Neb.Rev.Stat. §37-201 exempting any bona fide farmer or rancher from permit requirements for hunting upland game on land which they own or lease.

It is undisputed that wildlife in Nebraska, whether upland game or turkey, deer or antelope, occur on private lands and are supported by the woodlands, brush, and agricultural products which are grown upon that land. The farmer and rancher whose private property and agricultural products suppport these creatures, contributes to the propagation and well being of the wildlife. This contribution is distinct from any contribution which a nonlandowner makes to the wildlife of this State, and is therefore a rational basis for a classification of hunters. It appears to us that this is a classification resting upon "differences in situations or circumstances" which are "real and substantial differences . . . which afford a rational basis for classification." The classifications are open, do not create a closed class of persons, and operates uniformly upon the classifications. It is our conclusion, that LB 170 by distinguishing between landowning and non-landowning hunters, does not violate Article III, Section 18, of the Nebraska Constitution.

However, the Act divides the class of landowning hunters into two subclassifications: resident and non resident landowners. We discern no factual or rational basis for making such a distinction. An Act must operate uniformly upon the legislatively created classification. Fougeron v. County of Seward, supra. We therefore question whether the

restrictions of this Act to residential landowners only could sustain a constitutional challenge pursuant to Article III, Section 18, of the Nebraska Constitution.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) G. Roderic Anderson
Assistant Attorney General

GRA:ekj
cc: Patrick J. O'Donnell
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 210. Considered.

Pending.

VISITORS

Visitors to the Chamber were 34 fifth and sixth grade students, teachers and principal from Juniata; 16 students and teachers from Kearney State College; 5 students and teacher from District 18; 36 seventh and eighth grade students and teachers from Stanton Public School, Stanton; 13 fourth grade students, teacher, and adults from Bellwood; and 15 third grade students, teacher, and parents from Calvary Lutheran, Lincoln.

ADJOURNMENT

At 4:10 p.m., on a motion by Mr. Chambers, the Legislature adjourned until 10:00 a.m., Monday, May 2, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-FOURTH DAY - MAY 2, 1983

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

SEVENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 2, 1983

Pursuant to adjournment, the Legislature met at 10:03 a.m., Speaker Nichol presiding.

PRAYER

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

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Beyer, Chambers, Cullan, Fowler, Haberman, R. Peterson, Schmit, Wiitala, Miss Kilgarin, and Mesdames Higgins, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Third Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 97
April 29, 1983

Re: Exempt vehicles, Neb.Rev.Stat. §60-335 (1982 Supp)

Dear Senator Beyer:

You have indicated in your recent letter that you are contemplating legislation which would allow American Red Cross vehicles to obtain license plates pursuant to Neb.Rev.Stat. §60-335 (1982 Supp.). In particular you have asked whether or not such a provision would be constitutional. Section 60-335 provides as follows:

No registration fee shall be charged for any motor vehicle

owned by any city or village of this state used in connection with police, street, public transportation, park, library, or fire prevention activities, fire trucks owned and used by any rural fire protection district, a motor vehicle owned and operated by the Civil Air Patrol, nor for any motor vehicle owned and used by any public school district, county, state or United States government, nor any motor vehicles of any municipal public body or authority used in operating a public passenger transportation system. Any motor vehicle owned by this state or any political subdivision as set forth in this section, and exempt from a distinct marking as provided in section 60-1001, may carry number plates the same design and size as provided in section 60-1003.

The question you raise is whether or not vehicles owned by the American Red Cross could be constitutionally exempted from registration fees. It would appear that the American National Red Cross is a particularly unique organization. The United States Supreme Court has held that the American National Red Cross is an instrumentality of the United States for purposes of immunity from State taxation levied on its operation.

> Although there is no simple test for ascertaining whether an institution is so closely related to governmental activity as to become a tax-immune instrumentality, the Red Cross is clearly such an instrumentality. . . . Its principal officer is appointed by the President, ... By statute and Executive Order there devolved upon the Red Cross the right and the obligation to meet this Nation's commitments under various Geneva Conventions, to perform a wide variety of functions indispensable to the workings of our Armed Forces around the globe, and to assist the Federal Government in providing disaster assistance to the States in time of need. Although its operations are financed primarily from voluntary private contributions, the Red Cross does receive substantial material assistance from the Federal Government. And time and time again, both the President and the Congress have recognized and acted in reliance upon the Red Cross' status virtually as an arm of the Government.

Department of Employment v. United States, 385 U.S. 355 (1966).

Consequently, it is our opinion that because of the unique character of the American Red Cross, and its close affiliation with the United States government, it is a federal instrumentality that is entitled to exempt status under §60-335. Therefore, we do not perceive any constitutional infirmity in specifically granting to the American Red Cross such an exemption.

Very truly yours,
PAUL L. DOUGLAS

Attorney General
(Signed) Ruth Anne E. Galter
Assistant Attorney General

REG:ekj
cc: Patrick J. O'Donnell
Clerk of the Legislature

MESSAGE FROM THE GOVERNOR

April 29, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 366, 605, 264, 268, 468, 539 and 539A were received in my office on April 26, 1983.

These bills were signed by me on April 29, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 490. Placed on Select File as amended.
E & R amendments to LB 490:
AM5142

1. In the Standing Committee amendments, on page 3, line 9 strike "the".
2. On page 1, line 3, after the semicolon insert "to provide for service areas;".
3. On page 7, line 9, strike "one year" and insert "one-year".

LEGISLATIVE BILL 472. Placed on Select File as amended.
E & R amendments to LB 472:

AM5141

1. On page 1, line 13, strike "71-132.34" and insert "71-1,132.34"; move the matter beginning with "to" in line 8 through the semicolon in line 11 to follow the semicolon in line 1; and in line 8 after the semicolon insert "to eliminate certain provisions relating to violations; to eliminate provisions on assistance grants;".

2. On page 3, line 9, strike "71-132.14" and insert "71-1,132.14"; and in line 19, after "Upon" insert "the applicant's".

3. On page 9, line 9, strike "71-132.34" and insert "71-1,132.34".

4. In the Standing Committee amendments adopted April 27, on page 1, lines 8 and 9, strike "Board of Nursing" and insert "board".

LEGISLATIVE BILL 224. Placed on Select File as amended.
E & R amendments to LB 224:
AM5143

1. On page 1, line 1, after "sections" insert "57-701,"; in line 2 strike "and" and after "57-710," insert "and 57-903,"; and strike beginning with "require" in line 5 through "tax" in line 6 and insert "redefine terms".

2. On page 3, line 8, strike "shall" and show as stricken.

3. On page 4, line 3, after "when" insert "such resources are", after the second underscored comma insert "against"; and before "purchaser" insert "first".

4. Because section 57-715 was repealed in 1973, on page 2, in lines 12 and 20; on page 3, in lines 21 and 22; on page 4, in lines 6 and 10; and in the Standing Committee amendments, on page 1, in lines 9 and 15, strike "57-715", show as stricken, and insert "57-714".

LEGISLATIVE BILL 479. Placed on Select File as amended.
E & R amendments to LB 479:
AM5144

1. On page 1, line 4, after "sections" insert "49-1483," and after "49-14,121" insert a comma; in line 7 strike "a fee" and insert "certain fees"; in line 9 after the semicolon insert "to change provisions relating to required statements; to eliminate an exemption for commission employees;"; and in line 10

after the semicolon insert "to provide for the continuation of the Nebraska Accountability and Disclosure Commission;".

2. In the Standing Committee amendments, on page 2, line 4, strike "shall have" and insert "has".

3. In the Hoagland amendment adopted April 27, in line 2, before "on" insert "in the bill"; and insert underscoring in the matter in quotation marks.

LEGISLATIVE BILL 219. Placed on Select File as amended.
E & R amendment to LB 219:
AM5140

1. On page 1, line 1, strike "and" and insert a comma and after "84-1321" insert ", and 84-1323.02".

LEGISLATIVE BILL 370. Placed on Select File as amended.
E & R amendments to LB 370:
AM5139

1. On page 1, line 3, strike beginning with "to" through the semicolon in line 4.

2. On page 2, line 6, strike "3 to 5" and insert "2 to 4".

3. On page 4, lines 13, 15, and 17, strike "2" and insert "1".

4. On page 5, line 7, strike "2 or 3" and insert "1 or 2".

5. On page 10, line 7, strike "11 and 12" and insert "10 and 11".

6. On page 12, lines 13, 14, and 16, strike "10" and insert "9".

7. On page 13, line 6, strike "10 or 11" and insert "9 or 10".

8. In the Standing Committee amendments, line 5, strike "4" and insert "3".

(Signed) Rod Johnson, Chairperson

MESSAGE FROM THE GOVERNOR

April 29, 1983

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

Dear Mr. President and Senators:

I am returning herewith LB 602 with my specific line-item reductions and with my signature.

It should come as no surprise to the members of the Legislature that the State faces major financial problems . The actions that I have taken will have the effect of making $602,099 available to support the FY 83-84 budget.

The first reduction is to the Workmen's Compensation Court in the amount of $34,566. These funds were to be used to pay data processing charges that have been owed for several years. I see no pressing need to proceed at this time.

The second reduction is for a $35,000 increase in Aid to Crime Victims. While this is perhaps a worthy increase, it is nonetheless one that cannot be afforded.

The final action that I have taken is to strike the transfer of $532,533 from the General Fund to the Highway Cash Fund. Nebraska's road program has been funded very well over the past few years and my budget recommendation for FY 83-84 continues that policy. I cannot, however, approve this transfer when the State's general fund faces such significant shortfalls.

Sincerely,
(Signed) ROBERT KERREY
Governor

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 75.

RESOLUTION

LEGISLATIVE RESOLUTION 77. Read. Considered.

LR 77 was adopted with 29 ayes, 0 nays, and 20 not voting.

MOTION - Approve Appointments

Mr. Fenger moved the adoption of the report of the the Public Health and Welfare Committee for the following Governor appointments found in the Journal on page 1814: Milton Evans, Elsie Barrett, Mrs. Dwight Burney, Nancy O'Brien, Mary Jeanne Adams and JoAnn LeBaron - Foster Care Review Board.

Voting in the affirmative, 26:

Abboud	Barrett	Beyer	Clark	DeCamp
Eret	Fenger	Hannibal	Hefner	Hoagland
Jacobson	Johnson, L.	Lamb	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Peterson, H.
Pirsch	Von Minden	Wagner	Warner	Wesely
Withem				

Voting in the negative, 0.

Present and not voting, 12:

Carsten	Chronister	Goll	Goodrich	Johnson, R.
Johnson, V.	Kahle	Pappas	Remmers	Rupp
Sieck	Vickers			

Excused and not voting, 11:

Beutler	Chambers	Cullan	Fowler	Haberman
Higgins	Kilgarin	Labedz	Peterson, R.	Schmit
Wiitala				

The appointments were confirmed with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 356A. 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.

MOTION - Place LB 604 on General File

Mr. Carsten renewed his pending motion found in the Journal on page 1719 to place LB 604 on General File notwithstanding the committee action.

Mrs. Labedz 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. Haberman requested a record vote on the Carsten motion.

Voting in the affirmative, 33:

Abboud	Beutler	Beyer	Carsten	Chambers

Chronister	Clark	DeCamp	Fenger	Fowler
Goll	Hefner	Hoagland	Jacobson	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Landis
Marsh	Morehead	Newell	Nichol	Pirsch
Remmers	Rupp	Schmit	Wagner	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 12:

Barrett	Haberman	Hannibal	Johnson, L.	Lamb
Lundy	Pappas	Peterson, H.	Peterson, R.	Sieck
Vickers	Von Minden			

Present and not voting, 3:

Eret	Goodrich	Higgins

Excused and not voting, 1:

Cullan

The Carsten motion prevailed with 33 ayes, 12 nays, 3 present and not voting, and 1 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 604. Title read. Considered.

Mr. Carsten offered the following amendment:
AM1340

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. When any poor person shall not have a spouse, parent, or stepparent supporting him or her, then the poor person shall receive such relief, referred to as general assistance for purposes of sections 1 to 19 of this act, out of the treasury of the county in which he or she has legal settlement at the time of applying for assistance, in the manner provided in sections 1 to 19 of this act.

Sec. 2. The county board of each county shall be the overseer of the poor and is vested with the superintendence of the poor in such county. It shall be the duty of the county board to provide general assistance to all poor persons who meet the requirements

contained in section 1 of this act and who are eligible for general assistance pursuant to standards established by the county board as required by section 3 of this act. Such general assistance shall be in amounts established by the county board as required by section 3 of this act and shall be adequate to insure maintenance of minimum health and decency.

Sec. 3. Each county shall, not later than July 1, 1984, adopt written standards of eligibility and assistance for general assistance to poor persons. Such standards shall:

(1) Provide that all individuals desiring to make application for general assistance shall have opportunity to do so and that general assistance shall be furnished to all eligible individuals:

(a) Within seven days after the submission of the application if the need is short term; and

(b) Within thirty days after the submission of the application if the need is continuous;

(2) Provide a schedule of goods and services necessary to the maintenance of minimum decency and health for families of various sizes including single persons. Such schedule shall include, but not be limited to, food, housing, utilities, clothing, medical expenses, burial expenses, laundry, transportation, housing supplies, personal care, and such other goods and services as the county board shall deem necessary to insure the maintenance of minimum health and decency;

(3) Provide a schedule setting forth the amount of money needed to obtain those goods and services referred to in subdivision (2) of this section;

(4) Provide a schedule setting forth the amount of money to be paid to families and individuals who are in need of those goods and services when:

(a) That need is continuous; and

(b) That need is short term;

(5) Provide a schedule of the income and assets which shall be considered as being available to a family or individual and which shall guarantee that only such income and assets as are in the immediate possession and control of the family or person shall be considered as available;

(6) Include a definition of poor persons which will insure that all families and individuals whose available income and assets, as set forth pursuant to

subdivision (5) of this section, are less than those determined to be necessary pursuant to subdivisions (2) and (3) of this section will be eligible to receive general assistance; and

(7) Designate whether the county board or a class of employees in the county shall hold and conduct the hearings of aggrieved persons as required by sections 9 to 11 of this act.

Sec. 4. The standards established pursuant to section 3 of this act and all amendments to such standards shall be reviewed by the county on a biennial basis to insure that such standards reflect changes in living standards and costs- of- living. A copy of all standards and amendments to such standards shall be filed with the Department of Public Welfare within thirty days after their adoption by the county. Upon request of a county board, the Department of Public Welfare shall assist the board in developing standards or amendments. Each county shall make a copy of its standards and amendments available for public inspection during normal business hours.

Sec. 5. No county shall adopt standards or amendments to such standards pursuant to section 3 or 4 of this act without first holding a public hearing to permit discussion and the presentation of testimony or evidence by interested persons. Notice of such hearing shall be published not more than twenty days nor less than ten days prior to the hearing in a newspaper in general circulation throughout the county.

Sec. 6. A county board's failure to adopt standards or to review standards as required by sections 1 to 19 of this act may be reviewed by the district court of the county in an action in mandamus.

Sec. 7. No county shall require a person to make repayment or any other form of compensation for general assistance provided to such person pursuant to sections 1 to 19 of this act if such general assistance was not obtained through misrepresentation or fraud.

Sec. 8. Any person whose application for general assistance, made pursuant to sections 1 to 19 of this act, is denied or whose continuing general assistance payment is terminated or reduced shall, at the time of the denial, termination, or reduction, be given a written notice of the specific reasons for such denial, termination, or reduction. Such notice shall

also inform the person of the right to a hearing to review the denial, termination, or reduction and the procedures for requesting such hearing.

Sec. 9. Any person whose claim for general assistance (1) has not been acted upon within the time established by section 3 of this act, (2) has been denied, (3) has not been granted in full, or (4) has been reduced or terminated may request a hearing on such action or inaction before the county board or, if the county board so delegates as allowed by section 3 of this act, before an employee of the county.

Sec. 10. A person requesting a hearing pursuant to section 9 of this act shall have the following rights:

(1) To examine the county general assistance file pertaining to his or her case prior to and during the hearing;

(2) To be represented in the proceedings by a lawyer, friend, relative, or anyone else he or she may select;

(3) To present evidence; and

(4) To confront and cross- examine witnesses.

Sec. 11. The county board or hearing examiner, as the case may be, shall use the following procedure for all hearings:

(1) Tape- record the hearing;

(2) Make a decision within thirty days following the hearing;

(3) Make the decision based upon the evidence adduced and the law;

(4) Provide the claimant a written copy of the decision setting forth findings and conclusions; and

(5) Preserve the tape of the hearing and all exhibits offered at the hearing for not less than sixty days following entry of the hearing decision.

Sec. 12. (1) Any person aggrieved by a decision rendered pursuant to sections 9 to 11 of this act may obtain a review of such decision in the district court of the county.

(2) Proceedings for review shall be instituted by filing a petition in the district court of the county where the decision was rendered within thirty days after service of the decision on the claimant. The county shall be made a party to the proceedings for review, and summons shall be served as in other actions against a

county. The court may permit other interested parties to intervene.

(3) Within fifteen days after service of summons upon the county or within such further time as the court for good cause shown may allow, the county shall prepare and transmit to the court a certified transcript of the proceedings had before it, which transcript shall include the county's standards and all amendments regarding eligibility and assistance for general assistance, the transcribed hearing record, all exhibits offered at the hearing, and the final decision sought to be reversed, vacated, or modified.

(4) The review shall be conducted by the court without a jury on the record of the county.

(5) The court may affirm the decision, remand the case for further proceedings, or reverse or modify the decison if any substantial rights of the petitioner may have been prejudiced because the decision is:

(a) In violation of constitutional provisions;

(b) In excess of the statutory authority or jurisdiction of the county;

(c) Made upon unlawful procedure;

(d) Unsupported by competent, material, and substantial evidence in view of the entire record as made on review; or

(e) Arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.

Sec. 13. Any person becoming chargeable as a poor person in this state shall be chargeable as such in the county in which he or she has established a legal settlement as defined in section 16 of this act.

Sec. 14. If any person shall become chargeable in any county in which he or she has not established a legal settlement at the time of applying for aid, he or she shall be duly taken care of by the proper authority of the county where he or she may be found. It shall be the duty of the clerk of the county board to send a notice by mail to the clerk of the county board of the county in which such poor person has a legal settlement that such person has become chargeable as a poor person, and requesting the authorities of such county to promptly remove such poor person and to pay the expense accrued in taking care of him or her.

Sec. 15. If a poor person, by reason of

sickness or disease, or by neglect of the authorities of the county in which he or she has a legal settlement, or for any other sufficient cause, cannot be removed, then the county taking charge of such individual may sue for, and recover from the county to which such individual belongs, the amount expended for and in behalf of such poor person and in taking care of such person.

Sec. 16. (1) For purposes of sections 1 to 19 of this act legal settlement shall mean: Every person, except as limited in subsections (2) to (4) of this section, who has resided one year continuously in any county shall be deemed to have a legal settlement therein, except that every person who has resided one year continuously within the state, but not in any one county, shall have a legal settlement in the county in which he or she has resided six months continuously.

(2) The time during which a person has been an inmate of any public or private charitable or penal institution, or has received care at public expense in any type of care home, nursing home, or board and room facility licensed as such and caring for more than one patient or guest, and each month during which he or she has received relief from private charity or the poor fund of any county shall be excluded in determining the time of residence as referred to in subsection (1) of this section.

(3) Every minor, who is not emancipated and settled in his or her own right, shall have the same legal settlement as the parent with whom he or she has resided.

(4) A legal settlement in this state shall be terminated and lost by (a) acquiring a new one in another state or (b) by voluntary and uninterrupted absence from this state for the period of one year with intent to abandon residence in Nebraska.

Sec. 17. Whenever any poor person without a legal settlement in this state shall become sick in any county in this state, not having income and assets available to pay for medical services, or whenever any poor person without a legal settlement in this state is found in distress in any county in this state and is without income and assets to preclude suffering, it shall be the duty of the county board to furnish such temporary assistance to such person as it shall deem necessary. If any such person shall die the county

board shall provide all necessary means for a decent burial of such person. If such poor person has a legal settlement in another state, the county board may furnish such person in addition to temporary assistance, transportation, and the requisite expenses incurred thereby and may return such poor person to the state in which he or she has legal settlement. The representation by a poor person of a legal settlement shall be verified by the county board, and assurance be given the board that such poor person will be received and given care in the place of his or her legal settlement. If any poor person without a legal settlement in this state shall apply for general assistance in any county in which he or she is situated, the county board may proceed at its discretion to provide for such poor person in the same manner as it would provide for a poor person with legal settlement in the county.

Sec. 18. Even though a poor person may be eligible for general assistance, the county board shall have no liability to such person until the county board or the person to whom it has delegated responsibility for administration of general assistance shall have passed upon a written application for assistance or shall have failed to act upon the written application within the appropriate time prescribed in section 3 of this act. If a poor person is incapable, for any cause, of completing a written application for assistance, it may be completed by another acting in the interest of such poor person.

Sec. 19. No general assistance shall be alienable by assignment or transfer, or be subject to attachment, garnishment, or any other legal process, except that a county may pay general assistance directly to any person, corporation, or other legal entity providing goods or services, as described in section 3 of this act, to the poor person.

Sec. 20. That section 68-104, Revised Statutes Supplement, 1982, be amended to read as follows:

68-104. The Department of Public Welfare shall be the overseer of the poor and shall be vested with the entire and exclusive superintendence of the poor in this state, except that subject to the limitations of section 68- 1022 the county board of each

county shall furnish such medical service as may be required for the poor of the county who are not eligible for other medical assistance programs and general assistance for the poor of the county. In providing medical and hospital care for the poor, the county board shall make use of any existing facilities, including ~~tax supported~~ tax-supported hospitals and charitable clinics so far as the same may be available and shall use the financial eligibility criteria established for the standard of need developed by the Department of Public Welfare pursuant to section 68-126.

Sec. 21. That section 68-717, Revised Statutes Supplement, 1982, be amended to read as follows:

68-717. The Department of Public Welfare shall assume the sole responsibility for all public assistance, ~~delegated to county boards and administered by the county boards or divisions of public welfare,~~ including, ~~but not limited to,~~ aid to families with dependent children, ~~emergency assistance, general assistance or direct county relief, medical assistance,~~ assistance to the aged, blind, or disabled, crippled children's services, commodities, and food stamps. On and after July 1, 1986, the department shall also assume the sole responsibility for medical assistance.

Sec. 22. That section 68-1022, Revised Statutes Supplement, 1982, be amended to read as follows:

68-1022. Except for care in a state institution and care on behalf of persons who have a right of residence on any reservation under the jurisdiction of the government of the United States, the cost of medical assistance paid by the county in which the recipient may have a legal settlement shall be eighteen per cent commencing July 1, 1979. Commencing July 1, 1980, the county shall pay sixteen per cent of the cost of such medical assistance. Commencing July 1, 1981, the county shall pay fourteen per cent of the cost of such medical assistance. Commencing July 1, 1984, the county shall pay nine and thirty-three hundredths per cent of the cost of such medical assistance. Commencing July 1, 1985, the county shall pay four and sixty-seven hundredths per cent of the cost of such medical assistance. Commencing July 1, ~~1983~~ 1986, and thereafter, medical assistance shall be paid from state

funds and such funds as may be allocated by the government of the United States.

Sec. 23. That Laws 1982, Legislative Bill 602, Eighty-seventh Legislature, Second Session, section 6, be amended to read as follows:

Sec. 6. Section 5 of this act ~~This~~ act shall become operative on July 1, 1983, and the remaining sections of this act shall become operative on July 1, 1984.

Sec. 24. This act shall become operative on July 1, 1983.

Sec. 25. That original sections 68-104, 68-717, and 68-1022, Revised Statutes Supplement, 1982, and also sections 68-103, 68-105, 68-109, and 68-110, Revised Statutes Supplement, 1982, Legislative Bill 522, Eighty-seventh Legislature, Second Session, sections 20, 24, 25, and 26, are repealed.

Sec. 26. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

The amendment was adopted with 28 ayes, 7 nays, and 14 present and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, and 19 present and not voting.

STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE BILL 627. Indefinitely postponed.

(Signed) Rex Haberman, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

1. Insert the following new section:

"Sec. 2. In any proceeding when a court has ordered a parent to pay, temporarily or permanently, any amount to the clerk of the district court for the support of a minor child and in the same proceeding has ordered visitation with any minor child on behalf of such parent the court shall enforce its visitation

orders as follows:

(1) Upon the filing of a motion which is accompanied by an affidavit stating that either parent has unreasonably withheld or interferred with the exercise of the court order after notice to the parent and hearing, the court shall enter such orders as are reasonably necessary to enforce rights of either parent including the modification of previous court orders relating to visitation. The court may use contempt powers to enforce its court orders relating to visitation. The court may require either parent to file a bond or otherwise give security to insure his or her compliance with court order provisions.

(2) Costs, including reasonable attorney's fees, may be taxed against a party found to be in contempt pursuant to this section. The court shall order that any costs awarded or the cost of any bond required pursuant to this section shall not be paid out of money received by the custodial parent for child support."

2. Renumber the remaining sections and internal references accordingly.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 98
April 28, 1983

Re: LB 234, Title Security and Vehicle Theft Prevention Act

Dear Senator DeCamp:

You have requested an opinion from this Office concerning several portions of LB 234, which is described as the Title Security and Vehicle Theft Prevention Act. This particular Act deals with applications for title made on foreign titles which are brought into the State of Nebraska. The bill requires that a physical inspection be made on these vehicles to compare the vehicle indentification numbers with the number listed on the ownership documents.

This legislation requires that the inspection be made by the county sheriff of the county in which application is made, "or his or her designee." You have asked in particular whether the language concerning the sheriff's "designee" would render this legislation unconstitutional because of an impermissible delegation of authority.

We would direct your attention also to section 3 of LB 234 which provides that:

There is hereby created the Title Security and Vehicle Theft Prevention Fund which shall be maintained by the State Treasurer as a cash fund and shall be administered by the Director of Motor Vehicles.

The funds shall be used to defray the expenses of training personnel, as determined by the Department of Motor Vehicles, in title document examination, vehicle identification, and fraud and theft investigation. Such personnel may include, but shall not be limited to county clerks, investigative personnel of the Nebraska Motor Vehicle Industry Licensing Board, and peace officers mentioned in section 39-6,192.

It is well established that under the doctrine of separation of powers, legislative power governing the rights and duties of persons is conferred entirely on the elected legislative body. Terry Carpenter, Inc. v. Nebraska Liquor Control Commission, 175 Neb. 26, 120 N.W.2d 374 (1963). 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 prescribed in the legislative act." Lincoln Dairy Company v. Finigan, 170 Neb. 777, 104 N.W.2d 227 (1960). From a reading of the language contained in LB 234, it would appear that the grant of authority to both the Department of Motor Vehicles and the county sheriffs is an impermissible delegation of authority to an administrative agency. Limitations of the power granted and the standards by which the granted powers are to be administered must be clearly and definitely stated in the authorizing act. Id. In this particular bill, there is no limitation as to the class of individuals who could be designated by the sheriff to perform inspections. Neither is there any language which expressly requires that these individuals to be trained and certified by the Department.

Secondly, you have directed our attention to a complete exemption in the Act. The proposed amendment requires that "an application for a certificate of title shall include a statement that an identification inspection has been conducted on the vehicle unless . . . the application for a certificate of title contains a statement that such vehicle is to be registered under section 60-305.09, or unless otherwise exempted by the Department of Motor Vehicles." It is our opinion that the language "or unless otherwise exempted by the Department of Motor Vehicles" is constitutionally suspect for the same reason set forth above concerning an impermissible delegation of legislative power to an administrative agency.

The exemption for vehicles registered under §60-305.09 presents a slightly different problem. Article III, Section 18, of the Constitution of the State of Nebraska provides that "The Legislature shall not pass local or special laws in any of the following cases, that is to say: ". . .

Granting to any corporation, association, or individual any special or exclusive previleges, immunity, or franchise whatever; . . ." As a general rule, exemptions contained in a legislative act cannot be justified if the exception made has no reasonable relation to the purpose of the act in which it is found. United States Cold Storage Corporation v. Stolinski, 168 Neb. 513, 96 N.W.2d 408 (1959). It would appear that the general purpose of LB 234 is to require a physical inspection on all vehicles which are brought in from a foreign state when application for title is made. In order for a statute to be general and uniform throughout the state, it must operate alike on all persons of a class with reference to relations and circumstances provided for. State Securities Company v. Ley, 177 Neb. 251, 128 N.W.2d 766 (1964). Vehicles registered under §60-305.09 are vehicles operated in interstate commerce pursuant to proportional registration. We can find no rational basis for excluding these vehicles from the operation of LB 234. Similar statutory exemptions were addressed in State v. Edmunds, 211 Neb. 380, 318 N.W.2d 859 (1982). There, the Supreme Court addressed the constitutionality of the motor vehicle inspection statute. While the Court found that the exemption contained for vehicles registered under §60-305.09 was rationally based on a substantial change in circumstance, we do not feel that this rationale applies to the instant situation. Basically, these vehicles are subject to federal regulations on safety and maintenance under the Department of Transportation regulations. Therefore, the exemption from inspection was considered to be valid. We find no rationale which would support an exemption from the requirements of LB 234 regarding physical inspection of foreign vehicles when application for title is made.

It should be noted, however, that the vehicles registered under §60-305.09 are operating in interstate commerce. As such, individual vehicles forming part of a fleet operation may or may not be in the State of Nebraska at any given time. Consequently, it could be argued that to require these vehicles to be brought to the State of Nebraska for a physical inspection prior to titling and registration would constitute an impermissible burden on interstate commerce. While it might be constitutionally valid to provide an alternative method for dealing with these vehicles, we feel that their total exemption from LB 234 is constitutionally suspect.

Your other questions deal with the administration of the cash fund which is created to defray the expenses of training personnel as well as the use of the fund for fraud and theft investigation. You have asked whether or not the sheriff or any designee would have to be trained before they would be authorized to meet the requirements of the inspection certification. We would point out several ambiguities. The amendment to subsection 7 of §60-102 provides that: "An application for a certificate of title shall include a statement. . ." It further

provides that: "Such statement shall be furnished by the county sheriff of the county in which application is made, or his or her designee, . . ." We do not find specific language indicating that the inspection must be done by the sheriff or his or her designee. It may be inferred, but it is not clear. Additionally, it is not apparent whether or not these individuals must be trained prior to performing the inspections. Section 3 of the bill provides that the fund will be used to defray the expenses of training personnel "as determined by the Department of Motor Vehicles." It further provides that "Such training program shall be administered by the department." However, the Department's responsibility for providing training does not commence until June 30, 1984. Therefore, it is not clear whether or not these individuals must be trained prior to inspection.

You have also posed a question concerning claims which may be made on this cash fund. The applicable language concerning this is as follows: "The fund shall be used to defray the expenses in training personnel, as determined by the Department of Motor Vehicles, in title document examination, vehicle identification, and fraud and theft investigation. . . . The department may make expenditures from the fund necessary to implement such training." It is our opinion that the fund may only be used for the purposes of training personnel in the areas of title document examination, vehicle identification, and fraud and theft investigation. We do not feel that claims could be made from county sheriffs, county clerks, or members of the Industry Licensing Board for fraud and theft investigation. Rather, the express language limits the use of the fund to the training of personnel by the Department of Motor Vehicles.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ruth Anne E. Galter
Assistant Attorney General

REG:ekj
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 99
April 28, 1983

Dear Senator Beutler:

This is in response to your letter of April 26, 1983, in which you ask our opinion pertaining to current legislation.

Specifically, you ask whether section 27 of amendments to LB 447, when combined with additional language to be added to

§42-364.11, would circumvent the requirement of transcribing all child support garnishment judgments obtained against employees of the State of Nebraska to the District Court of Lancaster County.

We conclude that the language in section 27 of the amendments to LB 447 pertaining to service of process on the state is sufficient, without more, to require the state to respond to interrogatories propounded by the district court having jurisdiction of the child support matter without first transcribing the child support proceedings in Lancaster County.

As we pointed out in our Opinion No. 90 of April 26, 1983, the cases in this jurisdiction apparently require that two conditions be met before the state will be regarded as having waived its sovereign immunity from suit: (1) there must be a statute authorizing suit; and (2) there must be statutory authority defining the manner of service upon the state. Anstine v. State, 137 Neb. 148, 288 N.W. 525 (1939); Offutt Housing Company v. County of Sarpy, 160 Neb. 320, 70 N.W.2d 382 (1955).

As we further stated in our Opinion No. 90, Neb.Rev.Stat. §42-364.05 (Reissue 1978) and Neb.Rev.Stat. §42-364.11 (Reissue 1978) would authorize suit against the state, and would keep jurisdiction in the court in which the child support payment order was entered. The first requirement of Anstine and Offutt, supra, is therefore satisfied; but we can find no statutory authority which would satisfy the second requirement (defining the manner of service).

The amendment to LB 447, like the amendment to LB 331 which we have already discussed, is also apparently directed towards satisfying the service of process requirements of Anstine, supra, and Offutt, supra, and would apparently be sufficient to complete the waiver of the state's sovereign immunity with regard to child support proceedings.

Section 27 of the amendments to LB 447 states that:

> The State of Nebraska, any state agency as defined in section 81-8,210, and any employee of the state as defined in section 81-8,210 sued in an official capacity may be served by leaving the summons at the office of the Attorney General with the Attorney General, deputy attorney general, or someone designated in writing by the Attorney General, or by certified mail service to the office of the Attorney General.

Consequently, we view section 27 of the amendments to LB 447 as an alternative to the amendment to LB 371 which was discussed in our Opinion No. 90.

But the proposed amendment to §42-364.11, which would define "court" as "any district court where the garnishment application is filed," would have little, if any, impact on the state's obligation to answer interrogatories from any district court in the state which might

be propounded pursuant to child support proceedings.

As we have pointed out previously in this opinion, as well as in our Opinion No. 90, §42-364.05 provides that "The court that entered the order requiring the parent to pay any amount for the support of a minor child and in which the application to withhold and transmit earnings is filed shall have jurisdiction of any employer [including the state] . . ." (Emphasis added.)

The definition proposed for §42-364.11 would, perhaps, add some clarification to the meaning of the term "court" as used in §42-364.03, and would be beneficial in that regard.

Nevertheless, given the language of §42-364.05, supra, said proposed definition may be unnecessary, and would have no effect on the state's waiver of sovereign immunity, or obligation to answer interrogatories pursuant to child support proceedings in district courts other than the Lancaster County District Court.

In conclusion, section 27 of the amendments to LB 447, like amendments to LB 371 already discussed, would complete the waiver of the state's sovereign immunity with regard to child support proceedings. Section 42-364.03 and §42-364.05 would require the state to respond to interrogatories propounded by the district court having jurisdiction over the child support matter. And the definition proposed for §42-364.11 would have no effect upon the conclusion just stated, but would, perhaps, have some beneficial value by defining the term "court" in §42-364.03.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Frank J. Hutfless
Assistant Attorney General

FJH:pjs
cc: Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTIONS

LEGISLATIVE RESOLUTION 79.

Introduced by Hefner, 19th District.

WHEREAS, the year 1983 marks the one hundredth anniversary of the Village of Coleridge; and

WHEREAS, the Village of Coleridge has been, is, and will continue to be an outstanding community in which to reside as is evidenced by its accomplishments in the Nebraska Community Improvement Program contests; and

WHEREAS, the Coleridge Saddle Club and Commercial Club are co-sponsoring the Centennial Pony Express on May 7, 1983, which begins at the State Capitol and proceeds through Coleridge; and

WHEREAS, the citizens of the Coleridge Community are deserving of special recognition during their Centennial Celebration which takes place July 1 through July 4, 1983.

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

1. That the members of the Legislature recognize and commend the Village of Coleridge for its one hundredth anniversary.

2. That the Legislature congratulates and extends best wishes to the citizens of the Coleridge Community.

Laid over.

LEGISLATIVE RESOLUTION 80.

Introduced by Hefner, 19th District.

WHEREAS, the year 1983 marks the one hundredth anniversary of the City of Hartington; and

WHEREAS, the City of Hartington is an important cornerstone to all residents of Cedar County; and

WHEREAS, the Saddle Clubs of Cedar County and Hartington Centennial Committee are co-sponsoring the Centennial Pony Express on May 7, 1983, which begins at the State Capitol and proceeds to Hartington; and

WHEREAS, the citizens of the Hartington Community are deserving of special recognition during their Centennial Celebration which takes place May 28 through June 5, 1983.

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

1. That the members of the Legislature recognize and commend the City of Hartington for its one hundredth anniversary.

2. That the Legislature congratulates and extends best wishes to the citizens of the Hartington Community.

Laid over.

LEGISLATIVE RESOLUTION 81.

Introduced by Hefner, 19th District.

WHEREAS, the year 1983 marks the one hundred twenty-fifth

anniversary of the Village of St. Helena; and

WHEREAS, St. Helena once served as the county seat for Cedar County; and

WHEREAS, the Saddle Clubs of Cedar County will sponsor the Centennial Pony Express in the summer of 1983 which begins at Hartington and proceeds to St. Helena; and

WHEREAS, St. Helena has been, is, and will continue to be an outstanding community and citizens of the St. Helena community are deserving of special recognition during their celebration which takes place on September 5, 1983.

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

1. That the members of the Legislature recognize and commend St. Helena for its one hundred twenty-fifth anniversary.

2. That the Legislature congratulates and extends the best wishes to the citizens of the St. Helena community.

Laid over.

MOTION - Return LB 73 to Select File

Mr. Remmers moved to return LB 73 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Remmers asked unanimous consent to withdraw his pending motion. No objections. So ordered.

Messrs. Remmers and Chronister moved to return LB 73 to Select File for the pending specific amendment, AM1164, found in the Journal on page 1692.

Mr. Chronister asked unanimous consent to have his name added as co-introducer to the pending Remmers amendment. No objections. So ordered.

Mr. Chronister 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 Remmers-Chronister motion to return lost with 22 ayes, 18 nays, and 9 present and not voting.

ATTORNEY GENERAL'S OPINION

Opinion No. 101
April 29, 1983

Dear Senator DeCamp:

You direct our attention to LB 469 and the Warner amendment, No. 1298, adopted April 27, 1983. You ask two questions.

In your first question you ask, "Does the bill, as amended violate Article III, Section 14, of the Constitution of Nebraska by containing more than one subject?"

The amendment adopted amended §§8-1120, 44-116, 77-2602, 79-1346, 81-8,129.01, and §81-1010. These statutes deal with fees generated by the Department of Banking and Finance, the Department of Insurance, The Motor Vehicle Cycle Safety Education Fund, certain monies raised from cigarette taxation, State Department of Education Cash Fund, State Athletic Committee Cash Fund, and The Transportation Services Bureau Revolving Fund. In each instance the amendments authorize the transfer of monies from funds to the General Fund of the state.

The question to be answered in situations such as the present one, is whether or not the bill under consideration contains one subject. As our Supreme Court said in Anderson v. Tiemann, 182 Neb. 383, 155 N.W.2d 322 (1967):

> If an act has but one general object, no matter how broad that object might be, and contains no matter not germane thereto, and the title fairly expresses the subject of the bill, it does not violate Article III, section 14 of the Constitution.

In Anderson v. Tiemann the court was considering the Nebraska Revenue Act of 1967. They held that the Revenue Act did not violate the proscription of Article III, Section 14 by containing more than one subject.

As we read amendment No. 1298, it relates to the permissible purposes for which monies in specified funds may be utilized. It seems to us to be one general object. The fact that the funds are in many areas does not change the fundamental object of the bill to expand the permissible uses of particular funds. For that reason we believe that amendment No. 1298 does not violate Article III, Section 14 of the Nebraska Constitution.

In your second question you ask, "Does the bill, as amended cure any possible constitutional defects in the transfer of funds provided for in Section 27 of LB 602?"

As you indicate in your letter, LB 469 as now amended by amendment No. 1298, provides that certain cash funds may be transferred to the General Fund at the direction of the Legislature. We

have previously issued Opinion No. 91, Report of the Attorney General 1983-1984, April 27, 1983, responding to a question posed by you and Senator Haberman. In that opinion we indicated that the attempted transfer in an appropriations bill of monies from certain cash funds to the General Fund violated Article III, Section 12 of the Nebraska Constitution. That section, of course, prohibits the amendment of statutes unless the amending act contains the sections to be amended. LB 628 did not do that.

LB 469, as amended by amendment No. 1298, specifically amends the statutes which set forth the allowable uses of the monies derived and deposited in specific and segregated funds of the State of Nebraska. Obviously, the amendment of these sections would overcome the objection to the appropriation bill referred to in Opinion No. 91. The effect of the amendment is to include as an authorized use the transfer, upon direction by the Legislature, of such monies to the General Fund.

As a final matter you point to Section 27 of LB 602. LB 602 is a deficiency appropriations bill for the current session. Section 27 directs the State Treasurer to transfer monies from certain named funds: Securities Act Cash Fund, Department of Insurance Cash Fund, Social Security Contributions Fund, State Athletic Commission Cash Fund, State Office Building Fund, and the Downtown Education Center and Office Rental Fund, to the Nebraska Capital Construction Fund.

We see no direct connection between LB 469 and the provisions of LB 602. As amended, LB 469 authorizes the Legislature to transfer those funds to the General Fund. Once they are in the General Fund they may be allocated as the Legislature sees fit.

We do, however, believe that the attempted allocation in LB 602 is probably invalid for the reasons set forth in Opinion No. 91. Obviously, the use of those funds in the Nebraska Capital Construction Fund is not a use authorized by the particular statutes relating to specific funds. However, it is also clear that the authority provided by LB 469 may be exercised in a subsequent appropriation bill in this legislative session and, thus, any perceived difficulty with the purported action in LB 602, Section 27 is curable by subsequent legislative action this session. It would not be necessary to mention the Nebraska Capital Construction Fund in any particular bill if the money is transferred to the General Fund, and an appropriation is made to the Nebraska Capital Construction Fund out of the General Fund.

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

PTO:cw

cc: Patrick J. O'Donnell
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 207 and 476.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 207 (Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0090

1. In the Beutler amendment, a period has been inserted at the end of the sentence and paragraphing inserted.
2. On page 3, line 23, "4" has been stricken and "3" inserted.

(Signed) Tristi J. Wilson
E & R Attorney

RESOLUTIONS

LEGISLATIVE RESOLUTION 82.

Introduced by Judiciary Committee: Beutler, 28th District, Chairperson; Pirsch, 10th District; Abboud, 12th District; Chambers, 11th District; Chronister, 18th District; Jacobson, 33rd District; R. Johnson, 34th District; Von Minden, 17th District; Sieck, 24th District.

Purpose:

The purpose of this interim study is to utilize the legislative public hearing process to evaluate various proposals for changes in criminal law and law enforcement procedure. Areas of focus may include use of the insanity defense, jury trials, restitution, criminal use of hand guns, forfeiture laws, and review of DWI laws with regard to the new federal regulations. Input will be solicited from the Nebraska County Attorneys Association, the Nebraska Criminal Defense Attorneys Association, various Law Enforcement and Judges Associations throughout the state of Nebraska and the general citizenry.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA,

FIRST SESSION:

1. That the Judiciary Committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Judiciary Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 83.

Introduced by Judiciary Committee: Beutler, 28th District, Chairperson; Pirsch, 10th District; Abboud, 12th District; Chambers, 11th District; Chronister, 18th District; Jacobson, 33rd District; R. Johnson, 34th District; Von Minden, 17th District; Sieck, 24th District.

Purpose:

The purpose of this interim study is to coordinate efforts being made by the Judiciary Committee and the various Nebraska Bar Association and Supreme Court drafting committees with regard to problem areas in our law governing civil procedure.

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

1. That the Judiciary Committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Judiciary Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 84.

Introduced by Law Enforcement and Justice Advisory Committee: Beutler, 28th District, Chairperson; Pirsch, 10th District; Abboud, 12th District; Chambers, 11th District; Chronister, 18th District; Jacobson, 33rd District; R. Johnson, 34th District; Von Minden, 17th District; Sieck, 24th District.

Purpose:

Over the past several years the Nebraska Legislature has dealt with several proposals towards creating a more modern system of courts in the State of Nebraska. These proposals have included judicial redistricting and court merger. The purpose of this study is to utilize the

legislative public hearing process to examine the Nebraska Court system. Areas of inquiry will include judicial redistricting, court merger, and the creation of a unified court system.

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

1. That the Law Enforcement and Justice Advisory Committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Law Enforcement and Justice Advisory Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 85.

Introduced by Judiciary Committee: Beutler, 28th District, Chairperson; Pirsch, 10th District; Abboud, 12th District; Chambers, 11th District; Chronister, 18th District; Jacobson, 33rd District; R. Johnson, 34th District; Von Minden, 17th District; Sieck, 24th District.

Purpose:

The purpose of this interim study is to examine the basic purposes, policies, and goals of corrections, sentencing and parole in Nebraska. The Judiciary Committee intends to conduct an inquiry into several areas of corrections through the public hearing process; which areas shall include but not be limited to parole board functions, sentencing guidelines, parole guidelines, grievance procedures, and good time provisions.

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

1. That the Judiciary Committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Judiciary Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 86.

Introduced by Judiciary Committee: Beutler, 28th District,

Chairperson; Pirsch, 10th District; Abboud, 12th District; Chambers, 11th District; Chronister, 18th District; Jacobson, 33rd District; R. Johnson, 34th District; Von Minden, 17th District; Sieck, 24th District.

Purpose:

The purpose of this interim study is to examine the feasibility of creating a Youth Service Commission to replace all other separate organizations dealing with youth services. A bill, LB 525, which was introduced this session to accomplish this task raised several questions which must be answered prior to implementation of such a commission. This study seeks to answer those questions.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 66 fourth grade students and teachers from Hamlow Elementary School, Waverly; 14 third and fourth grade students and teacher from Garland Elementary School; Ann Abariotes; Muriel Poots; Rosemary Fogarty; Senator Rupp's parents, Mr. and Mrs. Paul Rupp from Monroe; 95 fourth grade students and teachers from Meadowlane Elementary School, Lincoln; and 9 students, teacher, and parents from St. Paul Lutheran School, Arlington.

RECESS

At 12:07 p.m., on a motion by Mr. Jacobson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m, Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs.

Barrett, Beutler, Chambers, Fenger, Fowler, Haberman, Hannibal, Hefner, Hoagland, R. Johnson, V. Johnson, Lamb, Lundy, Schmit, Von Minden, Wiitala, Mesdames Higgins, Labedz, and Pirsch who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 59 in the Journal. No objections. So ordered.

1. On page 2, lines 10 through 27, strike the new matter and reinstate the stricken matter.
2. On page 4, line 19, after "than" insert "thirty-five million dollars plus not less than" and after line 23, insert "Any increase in tax rates necessary for the establishment of the thirty-five million dollar portion of the minimum balance as required in this subdivision, shall be considered as temporary for future tax rate setting purposes."

UNANIMOUS CONSENT - Withdraw Amendment to LB 73

Mr. Remmers asked unanimous consent to withdraw his pending amendment found in the Journal on page 1842 to LB 73. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Amendment to LB 410

Mr. Wesely asked unanimous consent to withdraw his pending amendment, AM1320, found in the Journal on page 1829 to LB 410. No objections. So ordered.

MOTION - Return LB 410 to Select File

Mr. Wesely moved to return LB 410 to Select File for his pending specific amendment, AM1331, found in the Journal on page 1845.

Mr. Wesely moved for a Call of the House. The motion prevailed with 13 ayes, 2 nays, and 34 not voting.

Mr. Newell requested a roll call vote on the motion to return.

Voting in the affirmative, 21:

Beutler	Chambers	Cullan	DeCamp	Eret
Fowler	Haberman	Hoagland	Kilgarin	Landis
Marsh	Morehead	Pappas	Remmers	Rupp
Sieck	Vickers	Warner	Wesely	Wiitala

Withem

Voting in the negative, 24:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	Fenger	Goll	Goodrich	Hannibal
Hefner	Higgins	Jacobson	Johnson, L.	Johnson, R.
Kahle	Lamb	Lundy	Newell	Peterson, H.
Peterson, R.	Pirsch	Von Minden	Wagner	

Present and not voting, 1:

Nichol

Excused and not voting, 3:

Johnson, V. Labedz Schmit

The Wesely motion to return lost with 21 ayes, 24 nays, 1 present and not voting, and 3 excused and not voting.

MOTION - Return LB 213 to Select File

Mr. Newell moved to return LB 213 to Select File for his pending specific amendment, AM1288, found in the Journal on page 1761.

Mr. Wesely requested a ruling of the Chair on whether the Newell amendment is germane to the bill.

The Chair ruled the amendment not germane.

Mr. Newell asked unanimous consent to withdraw his pending amendment found in the Journal on page 1761. No objections. So ordered.

Mr. V. Johnson asked unanimous consent to withdraw his pending amendment, AM1242, found in the Journal on page 1843 to LB 213. No objections. So ordered.

Mr. V. Johnson moved to return LB 213 to Select File for the following specific amendment:

On line 3, page 26, change "six" to "fifteen".

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Mr. V. Johnson requested a roll call vote on his motion to return.

Voting in the affirmative, 23:

Beutler	Carsten	Chronister	Cullan	DeCamp
Fowler	Haberman	Hannibal	Hefner	Hoagland
Johnson, L.	Johnson, V.	Kahle	Lundy	Newell
Remmers	Rupp	Sieck	Von Minden	Wagner
Wesely	Wiitala	Withem		

Voting in the negative, 20:

Abboud	Barrett	Beyer	Chambers	Clark
Eret	Fenger	Goll	Jacobson	Johnson, R.
Lamb	Landis	Marsh	Morehead	Nichol
Pappas	Peterson, H.	Pirsch	Vickers	Warner

Present and not voting, 2:

Higgins Peterson, R.

Absent and not voting, 2:

Goodrich Kilgarin

Excused and not voting, 2:

Labedz Schmit

The V. Johnson motion lost with 23 ayes, 20 nays, 2 present and not voting, 2 absent and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 254. Placed on Select File as amended.
E & R amendments to LB 254:
AM5145

1. On page 1, line 1, after "sections" insert "71-5103, 71-5106, 71-5107, 71-5109,"; and in line 4 after the semicolon insert "to change provisions relating to ambulances and ambulance attendants as prescribed;".

2. On page 2, line 5, strike "71-5519", show

as stricken, and insert "71-5522 and section 19 of this act".

3. On page 4, lines 21 and 22; page 5, lines 20 and 21; and page 6, lines 13 and 14, strike beginning with "Board" through "Health", show as stricken, and insert "board and the department".

4. On page 7, lines 11 and 12 and 19 and 20; and page 7, line 27 through page 8, line 1, strike beginning with "Board" through "Health" and insert "board and the department".

5. On page 8, line 8, strike "technician-I" and insert "technicians-I"; in line 9, strike "technician-II" and insert "technicians-II"; in line 10 strike "technician-paramedic" and insert "technicians-paramedic"; and in line 11 strike "technician-D" and insert "technicians-D".

6. On page 9, line 10, strike "and" and show as stricken.

7. On page 11, line 19, after the second "to" insert "such"; and in line 20 strike "71-5501 to 71-5522,".

8. On page 12, in lines 5, 12, and 21, strike "these" and insert "such".

9. On page 21, line 27, strike "certified" and insert "certificate".

10. On page 25, line 19, strike the first underscored comma.

11. On page 26, line 3, strike "is" and insert "shall be".

12. On page 27, line 11, strike the underscored comma.

13. On page 29, line 26, strike "15" and insert "19".

14. On page 36, line 23, strike the second comma and show as stricken; and in line 24, strike the comma and show as stricken.

15. In the Standing Committee amendments, on page 6, line 2, after "completed" insert an underscored period.

LEGISLATIVE BILL 254A. Placed on Select File.

(Signed) Rod Johnson, Chairperson

MOTION - Override Governor's Veto on LB 64

Mr. Landis moved that LB 64 become law notwithstanding the objection of the Governor.

Laid over.

RESOLUTION

LEGISLATIVE RESOLUTION 87.

Introduced by Haberman, 44th District.

WHEREAS, the Merchant Marine Act of 1936 as amended by the Cargo Preference Act of 1954 requires that 50% of government-sponsored commodity shipments (PL480 cargoes) move in U.S. vessels; and

WHEREAS, such requirement has cost $337 million since fiscal year 1980; and

WHEREAS, had those shipments moved on the most competitive and cost efficient vessels available, the savings could have financed approximately 62 million bushels of additional wheat exports, an amount equal to 60% of Nebraska's annual wheat crop; and

WHEREAS, the increased cost of subsidizing the maritime industry came out of the pockets of Nebraska farmers and the state's economy as a result of reduced foreign demand, lower commodity prices and negative economic spinoffs to the state; and

WHEREAS, maritime subsidies amounted to $21,853 per maritime employee in 1981 and were more damaging to the U.S. agricultural economy than they were beneficial to other sectors; and

WHEREAS, the required use of U.S. vessels increases the freight cost of exporting U.S. agricultural commodities by as much as $2.12 per bushel over world freight rates, making U.S. commodities less competitive in world markets.

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

1. That the Legislature of Nebraska opposes cargo preference laws that require 50% of all "concessional" export credit sales be carried on U.S. ships.

2. That the Legislature of Nebraska is concerned with the effectiveness of present governmental policies and programs relating to cargo preference.

3. That a copy of this resolution be sent to the President of the United States, the Secretary of Agriculture, the Secretary of Commerce, and the Nebraska Congressional Delegation.

Laid over.

MOTION - Return LB 585A to Select File

Mr. Vickers moved to return LB 585A to Select File for his pending specific amendment found in the Journal on page 1724.

The motion to return prevailed with 25 ayes, 1 nays, 21 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 585A. The Vickers specific amendment found in the Journal on page 1724 was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

GENERAL FILE

LEGISLATIVE BILL 210. Title read. Considered.

Mr. Chambers moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Advanced to E & R for Review with 25 ayes, 12 nays, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 395. Passed over.

LEGISLATIVE BILL 244. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 3 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 411. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 4 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 253. Title read. Considered.

Mr. Abboud and Mrs. Higgins asked unanimous consent to be excused until they return. No objections. So ordered.

Standing Committee amendments, AM0650, found in the Journal on

page 881 for the Forty-Second Day were considered.

Mr. Remmers asked unanimous consent to withdraw his pending amendment, AM1307, found in the Journal on page 1808 to the Standing Committee amendments. No objections. So ordered.

Messrs. Remmers, Hoagland, and V. Johnson offered the following amendment to the Standing Committee amendments:

AM1332

1. In the Standing Committee amendments:
(a) Strike amendments 1, 7, and 8;
(b) On page 1, lines 4, 6, 9, and 12, and page 2, line 12, strike "twenty- five" and insert "forty"; and
(c) On page 1, lines 5 and 10, and page 2, line 10, strike "fifty" and insert "seventy- five".
2. On page 12, lines 5 and 6 and 8 and 9 strike "one hundred".
3. Strike original section 12.
4. On page 13, line 3, before "and" insert "60-534,".
5. Renumber remaining sections accordingly.

MR. CHRONISTER 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.

Mr. Remmers moved for a Call of the House. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Mr. Remmers requested a roll call vote on the amendment.

Voting in the affirmative, 19:

Beutler	Beyer	Carsten	Cullan	Fenger
Fowler	Goodrich	Hefner	Hoagland	Johnson, L.
Johnson, V.	Kahle	Marsh	Peterson, R.	Pirsch
Remmers	Wesely	Wiitala	Withem	

Voting in the negative, 26:

Abboud	Barrett	Chronister	Clark	DeCamp
Eret	Goll	Haberman	Hannibal	Jacobson
Johnson, R.	Kilgarin	Lamb	Landis	Lundy
Morehead	Newell	Nichol	Pappas	Peterson, H.

Rupp Schmit Vickers Von Minden Wagner
Warner

Present and not voting, 2:

Chambers Higgins

Absent and not voting, 1:

Sieck

Excused and not voting, 1:

Labedz

The Remmers et al amendment to the Standing Committee amendments lost with 19 ayes, 26 nays, 2 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. DeCamp renewed his pending amendment found in the Journal on page 1843 to the Standing Committee amendments.

The DeCamp amendment to the Standing Committee amendments was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Pending.

MESSAGE FROM THE GOVERNOR

May 2, 1983

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

Dear Senators:

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

Director, Department of Veterans Affairs, Jake Gonzales, Jr.

This appointment is respectfully submitted.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Jake Gonzales, Jr.
Accountability and Disclosure Commission
Department of Administrative Services

STANDING COMMITTEE REPORT
Miscellaneous Subjects

The Miscellaneous Subjects Committee reports favorably on the following gubernatorial appointment. The committee recommends that the Legislature approve the appointment with a record vote.

Jody Asmussen—Nebraska Arts Council

Voting yes to recommend approval: Senators Barrett, Fenger, Hannibal, Hefner, V. Johnson, Lundy, and Von Minden. Voting no: None. Absent: Senator Newell.

(Signed) Elroy Hefner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Cullan asked unanimous consent to print the following amendment to LB 628 in the Journal. No objections. So ordered.

AM1279

1. On page 41, line 23, strike "1,155,678" and insert "1,174,420" and in line 27 strike "2,047,779" and insert "2,066,521".

2. On page 42, line 2, strike "910,588" and insert "926,832"; in line 6, strike "1,970,719" and insert "1,986,963"; in line 14 strike "2,368,086" and insert "2,386,829"; in line 18, strike "3,938,038" and insert "3,956,781"; in line 20 strike "5,209,919" and insert "5,134,948"; and in line 24, strike "8,231,070" and insert "8,156,099".

3. In the Warner admendment adopted on April 13: (a) in the second paragraph of amendment (9), strike "2,895,437" and "5,805,492" and insert "2,916,679" and "5,826,671" respectively; and (b) in the third paragraph, strike beginning with the first "in" through

16 " '31,933,924';".

Messrs. Wesely and Hoagland asked unanimous consent to print the following amendment to LB 410 in the Journal. No objections. So ordered.

AM1360

(Amendments to the Final Reading Copy)

1. On page 8, strike beginning with "acquire" in line 18 through "Omaha" in line 19 and insert "repair, remodel, and renovate Morrill Hall at the University of Nebraska-Lincoln".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 269A, 410A, and 476A.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 269A
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0097

1. In the Cullan amendment adopted on April 27 and found on page 1787 of the Journal, (a) in the last line of amendment 1, the period has been moved after the adjacent quotation marks; and (b) in the last line of amendment 2, the period has been moved after the adjacent quotation marks.

(Signed) Tristi J. Wilson
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 626 in the Journal. No objections. So ordered.

AM1333

1. On page 2, line 1, strike "70" and insert "64"; strike lines 5 through 20; and in line 21, strike "(2)" and insert "(1)".

2. On page 3, line 16, strike "(3)" and insert "(2)".

3. On page 5, line 1, strike "(4)" and insert "(3)"; and in line 25 after "delinquency" insert and underscored comma.

4. On page 6, line 1, strike the underscored period and insert and underscored semicolon.

5. On page 7, line 5, after the semicolon insert "and"; strike lines 6 through 13; and in line 14 strike "(c)" and insert "(b)".

6. On page 8, strike beginning with "and" in line 14 through "community" in line 20; in line 22 strike the underscored comma and insert "and"; and strike beginning with the underscored comma in line 23 through "Corporation" in line 24.

7. On page 9, line 1, strike the first underscored comma and insert "and"; strike beginning with the second underscored comma in line 1 through "Corporation" in line 2; in line 5 strike the underscored comma and insert "and"; in line 6 strike beginning with the underscored comma through "Corporation"; and strike beginning with the underscored comma in line 15 through the underscored comma in line 16.

8. Strike sections 8 and 41 to 44.

9. On page 10, line 4, strike "24" and insert "23"; and in line 10, strike "25" and insert "24".

10. On page 13, line 12, after the semicolon insert "and"; strike lines 13 and 14; and in line 15 strike "(3)" and insert "(2)".

11. On page 17, line 16, strike "agricultural credit,"; and in line 18, strike "experience" and insert "experienced".

12. On page 20, line 15, strike "three" and insert "two"; in line 17 strike the first underscored comma and insert "and"; and strike beginning with the second underscored comma in line 17 through "Division" in line 18.

13. On page 25, line 15, strike ", agricultural enterprises,".

14. On page 35, in lines 11 and 25, strike "as defined" and insert "referred to"; and in lines 12 and 26 strike "18" and insert "17".

15. On page 38, line 5, strike "as"; and in line 6 strike "defined" and insert "referred to", strike

"(3)" and insert "(2)", and strike "18" and insert "17".

16. On page 39, line 1, strike "as defined by" and insert "referred to in" and strike "(3)" and insert "(2)"; and in line 2 strike "18" and insert "17".

17. On page 40, line 22, strike "52" and insert "46".

18. On page 46, line 21, strike "62" and insert "56".

19. On page 50, line 27, strike ", the Agricultural".

20. On page 51, line 1, strike "Development Corporation,"; in lines 5, 9, 13 and 14, and 16 and 17 strike ", the Agricultural Development Corporation,"; and in line 27 strike "70" and insert "64".

21. On page 52, in lines 10, 23, and 27 strike "70" and insert "64".

22. On page 53, line 6, strike "70" and insert "64".

23. On page 54, line 18, strike "sections 2-4101 to 2-4156,".

24. In the Standing Committee amendments (a) strike amendments 1, 5, 7, 8, and 10, (b) on page 1, line 23, strike ", the Agricultural", and (c) on page 2, line 1, strike "Development Corporation,"; and strike beginning with the semicolon in line 3 through the final quotation marks in line 4.

25. Renumber remaining sections accordingly.

Messrs. DeCamp and H. Peterson asked unanimous consent to print the following amendment to LB 626 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - AM1356.)

GENERAL FILE

LEGISLATIVE BILL 253. Mr. Hoagland offered the following amendment to the DeCamp amendment to the Standing Committee amendments:

Increase $25,000 to $30,000, $50,000 to $60,000, and $25,000 to $30,000.

The Hoagland amendment lost with 12 ayes, 21 nays, 15 present and not voting, and 1 excused and not voting.

Mr. Cullan offered the following amendment to the Standing Committee amendments:

Strike amendments 1, 7 and 8.

The Cullan amendment lost with 13 ayes, 23 nays, 12 present and not voting, and 1 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Mr. Remmers asked unanimous consent to withdraw his pending amendment found in the Journal on page 656. No objections. So ordered.

Messrs. DeCamp and Clark asked unanimous consent to withdraw their pending amendment, AM1160, found in the Journal on page 1548. No objections. So ordered.

Messrs. Wagner and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. DeCamp asked unanimous consent to have his name added as co-introducer to LB 253. No objections. So ordered.

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will meet at 8:15 a.m., Tuesday, May 3, 1983 in room 1003.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LR 72 Wednesday, May 4, 1983 12:00 noon

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 154 in the Journal. No objections. So ordered.

AM1358

(Amendments to the Final Reading Copy)

1. On page 3, line 1, after "use" insert "one of" and strike "form" and insert "forms"; in line 2 after "notices:" insert "(i)"; after line 2 insert

"County Weed Control Authority

NOTICE

Section 2- 952, Reissue Revised Statutes of Nebraska, 1943, places an affirmative duty upon every person to control noxious weeds on land under such person's ownership or control. Information received by the board, including an onsite investigation by the county weed control superintendent or a deputy, indicated the existence of an uncontrolled noxious weed infestation on property owned by you at:

.....

The method of control recommended by the control authority is as follows:

.....

Other appropriate control methods are acceptable.

Because the stage of growth of the noxious weed infestation on the above specified property warrants immediate control, if such infestation remains uncontrolled after ten days from the date specified at the bottom of this notice, the control authority may enter upon such property for the purpose of taking the appropriate weed control measures. Costs for the control activities of the weed control authority shall be at the expense of the owner of the property and shall become a lien on the property as a special assessment levied on the date of control.

Superintendent of Weed Control Authority

.....

Chairperson of Weed Control Board Dated

....;

or (ii)";

in line 9 strike "of" and insert "by"; in line 12 strike "your" and after "property" insert "owned by you"; in line 20 strike "your" and insert "such"; in line 21 strike "will be assessed" and insert "may, upon conviction, be subject to" and strike lines 24 through 27.

2. On page 4, strike lines 1 through 4; in line 9 strike "or controlled"; in line 11, strike "Dated"; in line 13 after "Dated" insert "."; in line 25

strike "(b)" and insert "(a)" and strike "an" and insert "the control authority has caused"; and in line 26 strike "is" and insert "to be".

3. On page 5, line 2 after "(b)" insert "(ii)"; strike beginning with "a" in line 3 through "9" in line 4 and insert "an informal public hearing to allow such landowner opportunity to be heard on the question of the existence of an uncontrolled noxious weed infestation on such landowner's property"; in line 14 after "property" insert "and has not requested a hearing pursuant to subsection (2) of this section"; in line 15 strike "assess fines" and insert "notify the county attorney who shall proceed"; in line 18 strike "or control"; in line 21 after "shall" insert ", upon conviction,"; in line 22 strike "he or she" and insert "the penalty"; in line 23 strike "fined" and insert "a fine of"; and strike beginning with the period in line 25 through line 27.

4. On page 6, line 1, strike "control authority"; in line 2 strike "thirty" and insert "ten"; in line 5 after "property" insert "and the stage of growth of such noxious weeds warrants immediate control to prevent spread of the infestation to neighboring property"; and in line 26 after "under" insert "subdivision (3)(b) of".

5. On page 7, line 21, strike "or is about to occur"; and in line 24 strike "district" and insert "appropriate".

Mr. Hefner asked unanimous consent to print the following amendment to LB 59 in the Journal. No objections. So ordered.

Add a new Section 2 as follows:

Sec. 2. That section 77-2734, Revised Statutes Supplement, 1982, be amended to read as follows:

77-2734. (1) A tax is hereby imposed for each taxable year on the taxable income derived from sources within this state of any corporation or any other entity taxed as a corporation under the Internal Revenue Code whose business within this state during the taxable year consists exclusively of foreign commerce, interstate commerce, or both, at a rate equal to twenty-~~five~~ two and one half per cent of the rate imposed on individuals under section 77-2715 on the first fifty thousand dollars of taxable income, and at the rate of thirty-~~five~~ one and one half per cent of such rate on all taxable income in excess of fifty thousand dollars. For any taxpayer subject to this section whose fiscal year does not coincide with the calendar year, the rate

initially set shall also apply for the period from January 1, 1968, to the last day of its then current fiscal year.

Renumber original Sec. 2 as Sec. 3 to read as follows:

Sec. 3. That original sections 77-2715.01 and 77-2734, Revised Statutes Supplement, 1982, are repealed.

Mr. Haberman asked unanimous consent to print the following amendment to LB 118 in the Journal. No objections. So ordered.

On page 2, line 11, strike "word Nebraska" and insert "words Agricultures' Heartland" on the bottom of the license plate.

VISITORS

Visitors to the Chamber were 78 fourth grade students and teachers from Norris Elementary School, Firth.

ADJOURNMENT

Mrs. Marsh requested a machine vote on the motion to adjourn.

The motion prevailed with 20 ayes, 9 nays, and 20 not voting.

At 4:21 p.m., on a motion by Mr. Lundy, the Legislature adjourned until 8:30 a.m., Tuesday, May 3, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-FIFTH DAY - MAY 3, 1983

LEGISLATIVE JOURNAL

SEVENTY-FIFTH DAY - MAY 3, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

SEVENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 3, 1983

Pursuant to adjournment, the Legislature met at 8:35 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Rev. Alex Wacker, St. Andrews Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Fowler, Hoagland, V. Johnson, Newell, Rupp, Schmit, Wesely, Wiitala, Mesdames Higgins, Labedz, Morehead, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Fourth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 451. Placed on Select File as amended.
E & R amendments to LB 451:
AM5146

1. On page 1, line 4 after the first "to" insert "define and" and strike "a term" and insert "terms"; in line 6 strike "and" and insert "to provide severability;"; and in line 7 after "sections" insert "; and to declare an emergency".

2. On page 2, line 8, strike the second "any" and show as stricken; in line 18 strike the second and third "or" and insert an underscored comma each time, and after "governmental" insert an underscored comma.

3. On page 3, lines 15 and 16, strike ", as defined in section 18-2103".

4. In the Standing Committee Amendments, on page 1, line 3, strike "the"; in line 4 strike "comma" and insert " '18-2103' "; in line 5 after "first" insert an underscored comma; and in line 11 strike "such city" and insert "a municipality of the metropolitan, primary, first, or second class".

LEGISLATIVE BILL 327. Placed on Select File as amended.
E & R amendments to LB 327:
AM5147

1. On page 1, strike lines 1 through 7 and insert "FOR AN ACT relating to power districts and corporations; to provide a provision relating to the acquisition of certain facilities and lines as prescribed; and to declare an emergency.".

2. In the Standing Committee amendments, page 1, line 7, strike "board" and insert "Nebraska Power Review Board".

LEGISLATIVE BILL 32. Placed on Select File as amended.
E & R amendments to LB 32:
AM5148

1. On page 1, line 4, strike "and" and insert "to provide the Attorney General with certain powers and duties as prescribed; to provide for the recovery of damages as prescribed;" and in line 5 after "sections" insert "; and to declare an emergency".

2. In the Warner Amendment, AM1115, on page 1, line 17; and page 2, line 22, strike the period and insert "; and".

LEGISLATIVE BILL 619. Placed on Select File as amended.
E & R amendments to LB 619:
AM5149

1. On page 1, line 1, after "amend" insert "section 77-2716, Reissue Revised Statutes of Nebraska, 1943, and"; in line 3 after the semicolon insert "to change a provision relating to income tax adjustments as prescribed; to define terms;"; and in line 6 strike "section" and insert "sections".

2. In the Standing Committee Amendments, on page 1, line 3, strike "Sec." and insert "Section".

(Signed) Rod Johnson, Chairperson

MESSAGES FROM THE GOVERNOR

May 2, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 225, 225A and 319 were received in my office on April 26, 1983.

These bills were signed by me on May 2, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

May 2, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 396 was received in my office on April 27, 1983.

This bill was signed by me on May 2, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 77.

RESOLUTIONS

LEGISLATIVE RESOLUTION 79. Read. Considered.

LR 79 was adopted with 33 ayes, 0 nays, and 16 not voting.

LEGISLATIVE RESOLUTION 80. Read. Considered.

LR 80 was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 81. Read. Considered.

LR 81 was adopted with 34 ayes, 0 nays, and 15 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 265. With Emergency.

A BILL FOR AN ACT to amend section 71-5633, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to change an interest provision on certain loans as prescribed; to eliminate a provision establishing a branch laboratory; to repeal the original section, and also section 71-2301, 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Lamb	Landis
Lundy	Marsh	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Vickers	Von Minden	Wagner	Warner

Wiitala Withem

Voting in the negative, 1:

Cullan

Present and not voting, 1:

Chambers

Excused and not voting, 5:

Fowler Labedz Morehead Newell 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.

LEGISLATIVE BILL 267. With Emergency.

A BILL FOR AN ACT to amend section 85-505, Reissue Revised Statutes of Nebraska, 1943, relating to tuition and fees at state educational institutions; to change a provision relating to the National Guard tuition credit; 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Goll	Goodrich	Hannibal	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Marsh	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Sieck	Vickers	Von Minden	Wagner
Warner	Wiitala	Withem		

Voting in the negative, 0.

Present and not voting, 2:

Chambers Haberman

Excused and not voting, 4:

Fowler Morehead Newell 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.

LEGISLATIVE BILL 424.

A BILL FOR AN ACT to amend sections 48-1002, 48-1008, and 48-1220, Reissue Revised Statutes of Nebraska, 1943, and section 48-1003, Revised Statutes Supplement, 1982, relating to labor; to redefine terms; to change limitations; to change provisions relating to filing of an action; to provide for actions against the state as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	Nichol
Pappas	Peterson, H.	Peterson, R.	Remmers	Rupp
Schmit	Sieck	Vickers	Wagner	Wesely
Wiitala	Withem			

Voting in the negative, 5:

Clark Jacobson Pirsch Von Minden Warner

Present and not voting, 1:

Morehead

Excused and not voting, 1:

Newell

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 610 to Select File

Mr. Beutler moved to return LB 610 to Select File for the following specific amendment:

Put a period after the word "areas" (1st appearance) and then delete the words "and may lease such areas or grant" in line 1, page 7.

Delete lines 2 and 3, page 7.

The motion to return prevailed with 33 ayes, 5 nays, 10 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 610. The Beutler specific amendment found in this day's Journal was considered.

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 Beutler specific amendment was adopted with 29 ayes, 11 nays, 8 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 610 to Select File

Mr. Beutler moved to return LB 610 to Select File for the following specific amendment:

Change the word "any" to "all" in line 9, page 7 and make the word "subdivision" plural.

Change the word "is" to "are" in line 10, page 7 and make the word "offer" plural.

The motion to return prevailed with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 610. The Beutler specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 326 and 573.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 573

The following changes, required to be reported for publication in the Journal, have been made:
ER0091

1. The Haberman and Vickers amendments are to the final reading copy.

2. In the Vickers amendment, underscoring has been inserted.

3. On page 1, line 5 of the Final Reading Copy, after the semicolon "and" has been inserted.

(Signed) Tristi J. Wilson
E & R Attorney

ATTORNEY GENERAL'S OPINION

Opinion No. 102
April 28, 1983

Dear Senator Beyer:

This is in response to your letter regarding whether a county board of commissioners has the statutory authority to negotiate and enter into a labor contract with an organization of county employees employed in the offices of elected county officials.

Labor negotiations between public employers and public employees are governed by Neb.Rev.Stat. §§48-801 et seq. (1982 Supp.). Neb.Rev.Stat. §48-816(2) (1982 Supp.) provides:

> Public employers are hereby authorized to recognize employee organizations for the purpose of negotiating collectively in the determination of, and administration of grievances arising under, the terms and conditions of employment of their public employees as provided in this act, and to negotiate and enter into written agreements with such employee organizations in determining such terms and conditions of employment. (Emphasis added.)

Neb.Rev.Stat. §48-816(4) states:

> When an employee organization has been certified as an exclusive collective bargaining agent or recognized pursuant to any other provisions of this act, the appropriate public employer shall be and is hereby authorized to negotiate collectively with such employee organization in the settlement of grievances arising under the terms and conditions of employment of the public employees as provided in this act, and to negotiate and enter into written agreements with such employee organizations in determining such terms and conditions of employment, including wages and hours. (Emphasis added.)

In order to determine which governmental entity is authorized to negotiate with a public employees' organization, it is necessary to determine whether the employer is, in fact, the county board or the elected county official. Neb.Rev.Stat. §48-801(4) (1982 Supp.) provides: "Employer shall mean the State of Nebraska or any political or governmental subdivision of the the State of Nebraska, except the Nebraska National Guard or state militia, any municipal corporation or any public power district or public power and irrigation district." While making clear that the employer is a governmental entity or subdivision, this definition does not provide much guidance in determining exactly which entity is the employer. This is especially true in state and county governments where the responsibility for establishing an employee's terms and conditions of employment are by law distributed among several entities.

The definition of employer and when an employer-employee relationship exists has been examined by the courts in other situations. In Gardner v. Kothe, 172 Neb. 364, 109 N.W.2d 405 (1961), the Nebraska Supreme Court stated: "The primary test in determining whether the relationship of employer-employee exists is whether the alleged employer has the right of control and supervision over the work of the alleged employee and the right to direct the manner in which the work is to be done as well as the result which is to be accomplished." In Shamburg v. Shamburg, 153 Neb. 495, 45 N.W.2d 446 (1950), it is stated: "Generally most courts agree that the main test is the right of control, and that right, in the actual exercise of that control, governs. . . Other factors are looked to only to aid in determining whether such relationship existed in a given case."

The Supreme Court of Michigan was faced with a similar situation in Civil Serv. Com'n for Co. of Wayne v. Board of Sup'rs., 384 Mich. 363, 184 N.W.2d 201 (1971). In this case, the County Civil Service Commission, the County Board of Road Commissioners, and the County Board of Supervisors all contended that they were the appropriate and the exclusive party to bargain with an employee association representing employees of the Road Commissioners. The

court stated:

> From as far back as 1909 P.A. 283, section 10 of the county road law has authorized each board of county road commissioners to "employ" its necessary "servants and laborors." The section leaves no doubt of original and present intent that each board of county road commissioners shall be the employer of its employees, and that such employees shall be employees of that same board.

The Michigan Supreme Court concluded that the road commission was the "public employer" for purposes of bargaining with the represenatative of its employers and that the road commission alone was the employer obligated to negotiate under Michigan law. The Michigan Supreme Court relied on the test established by the Michigan Court of Appeals in Civil Service Com'n v. Wayne County Board of Super., 22 Mich.App. 287, 177 N.W.2d 449 (1970), where it is stated:

> [W]e find the general characteristics of identification of an employer are: 1) that they select and engage the employee; 2) that they pay the wages; 3) that they have the power of dismissal; 4) that they have the power and control over the employee's conduct (35 Am.Jur., Master & Servant, §3, p. 445). A most significant requisite of one who is an employer is his right to exercise control over the method by which the employee carries out his work. Hence, before we can reach a proper conclusion to this controversy it is necessary to determine what authority and power each of the parties to this litigation have with regard to the employment relationship.

Under Nebraska law, the elected county officials have the power to select and engage the employees in their respective offices. The elected county officials, not the county board, have the power to establish the salaries for persons working in their offices. Neb.Rev.Stat. §23-1111 (Reissue 1977). The elected officials of a county have the power to terminate their employees. Most importantly, the elected county officials have the right of control and supervision over the work, the power to direct the manner in which the work is to be done, and to determine the result to be accomplished by the people working in their office. Therefore, the elected county officials, not the county board, are the employers of the persons working in their respective offices and would be the appropriate employer to engage in negotiations with an organization representing the employees in their office.

This is not to say that this solution is without problems. While the elected county officials do have extensive control over their employees' salaries and conditions of employment, certain aspects of an employee's conditions of employment are by law specifically established by the county board or by a civil service commission, and the negotiations between the elected county official and his employees must comply with these limitations upon the official's discretion.

A contract negotiated by a county board that attempts to establish terms and conditions of the employment for the employees in the office of an elected official would not be binding on the elected official if the terms of the contract infringe upon areas where the power to make the decision has been left to the discretion of the elected official. A very important aspect of any labor negotiations is the setting of wages, and we will use this as an example. Neb.Rev.Stat. §23-1111 (Reissue 1977) provides: "The county officers in all counties shall have the necessary clerks and assistants for such periods and at such salaries as they may determine with the approval of the county board, whose salaries shall be paid out of the general fund of the county." The roles of a county officer and the county board in setting salaries for employees of the county officer were discussed in Bass v. County of Saline, 171 Neb. 538, 106 N.W.2d 860 (1960). The plaintiff in this case was the clerk of the Saline County Court. The county judge had fixed her salary at $225 per month but the county board would pay her only $190 per month in accordance with a salary schedule established by the county board. The sole question presented by the case was whether the county board was required to pay the plaintiff the salary established by the county judge. After noting that county commissioners possess no powers except such as are expressly granted or are incidentally necessary to carry such powers into effect, the court stated:

> We conclude from the foregoing authorities that the statute authorizes the county judge to fix the salary of the clerk of the county court. In so doing he must not act arbitrarily, capriciously, or unreasonably. The limitation placed upon the authority of the judge in fixing the salary of the clerk of the county court to the effect that it should be done "with the approval of the county board" authorizes the county board to approve or disapprove the act of the county judge, but in so acting the county board may not act arbitrarily, capriciously, or unreasonably. In the absence of evidence that the salary fixed by the county judge is unreasonable, capricious or arbitrary, the county board is without authority to disapprove it.

From this case, it is clear that the county official and not the county board has the power to establish the salaries of the official's employees. Therefore, if the county board attempted to or did, in fact, negotiate a contract with employees of an elected county official concerning wages, this portion of the contract would not be binding on the elected official because the county board has no power to set wages for such employees and would be acting outside of its statutory authority. The same would be true of any terms of a contract negotiated by the county board when the determination of such terms is specifically left to the discretion of the elected county official.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Sharon M. Lindgren
Assistant Attorney General

SML:jmh
cc: Patrick J. O'Donnell
Clerk of the Legislature

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 94.

A BILL FOR AN ACT relating to public improvements; to amend sections 16-622, 17-509, 17-510, and 19-2427, Revised Statutes Supplement, 1982; to provide for deferral from special assessments for certain agricultural use land; 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, 47:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Clark	Cullan	DeCamp	Fenger
Fowler	Goll	Goodrich	Haberman	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala	Withem			

Voting in the negative, 0.

Present and not voting, 2:

Beutler Eret

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 142.

A BILL FOR AN ACT relating to chiropractic practice; to amend section 71-177, Reissue Revised Statutes of Nebraska, 1943, and section 81-197, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 413, Eighty-eighth Legislature, First Session, 1983; to redefine terms; to prevent termination of the Board of Examiners in Chiropractic; 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Fenger	Fowler
Goll	Goodrich	Hannibal	Hefner	Higgins
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Sieck
Vickers	Von Minden	Wagner	Wesely	Wiitala
Withem				

Voting in the negative, 7:

Chambers	Cullan	Haberman	Hoagland	Lamb
Schmit	Warner			

Present and not voting, 1:

Eret

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

VISITORS

Visitors to the Chamber were Sibghatullah Mujaddadi, President of the Resistance Coalition, and Mawlawi Muhammad Nabi Muhammadi, a member of the Presidential Council from Afghanistan who spoke to the members briefly.

RESOLUTION

LEGISLATIVE RESOLUTION 78. Read. Considered.

LR 78 was adopted with 38 ayes, 0 nays, and 11 not voting.

SELECT FILE

LEGISLATIVE BILL 118. E & R amendments, AM5129, found in the Journal on page 1730 for the Seventy-First Day were adopted.

Mr. Haberman offered the following amendment:
AM1228

1. Strike the Chambers-Beyer amendment,
originally known as the Marsh-Carsten amendment, the
Beyer amendment, and the Chambers amendment adopted on
April 19, 1983.
2. On page 2, line 11, strike "Cornhusker
State", show as stricken, and insert "Heartland of
Agriculture".

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman moved for a Call of the House. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 265, 267, 424, 94, and 142.

SELECT FILE

LEGISLATIVE BILL 118. Mr. Haberman renewed his pending amendment found in this day's Journal.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Cullan	DeCamp	Eret	Fowler	Goodrich
Haberman	Hefner	Johnson, R.	Kahle	Labedz
Lamb	Lundy	Morehead	Newell	Peterson, H.
Pirsch	Rupp	Schmit	Sieck	Von Minden

Wagner	Wesely	Wiitala	Withem	

Voting in the negative, 21:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Clark	Fenger	Goll	Hannibal
Hoagland	Johnson, L.	Johnson, V.	Kilgarin	Landis
Marsh	Nichol	Pappas	Remmers	Vickers
Warner				

Present and not voting, 3:

Beutler	Higgins	Jacobson

Excused and not voting, 1:

Peterson, R.

The Haberman amendment lost with 24 ayes, 21 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. Wagner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Carsten and Mrs. Marsh renewed their pending amendment, AM1272, found in the Journal on page 1722.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mrs. Marsh requested a roll call vote on the Carsten-Marsh amendment.

Voting in the affirmative, 23:

Carsten	Clark	Cullan	DeCamp	Fowler
Goodrich	Higgins	Hoagland	Jacobson	Johnson, V.
Kilgarin	Labedz	Marsh	Morehead	Newell
Pappas	Remmers	Rupp	Schmit	Sieck
Wesely	Wiitala	Withem		

Voting in the negative, 19:

Abboud	Barrett	Beyer	Chambers	Goll
Haberman	Hannibal	Hefner	Johnson, L.	Kahle
Lamb	Landis	Lundy	Nichol	Peterson, H.
Pirsch	Vickers	Von Minden	Warner	

Present and not voting, 5:

Beutler	Chronister	Eret	Fenger	Johnson, R.

Excused and not voting, 2:

Peterson, R. Wagner

The Carsten-Marsh amendment lost with 23 ayes, 19 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mrs. Higgins and Mr. Fowler asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Beyer, Fenger, and Withem renewed their pending amendment, AM1205, found in the Journal on page 1767.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. R. Johnson 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 Beyer-Fenger-Withem amendment lost with 11 ayes, 20 nays, 13 present and not voting, and 5 excused and not voting.

Mr. Haberman renewed his pending amendment found in the Journal on page 1893.

Mr. Carsten 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. Kahle asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Chronister	Cullan	DeCamp	Eret	Goodrich
Haberman	Hefner	Higgins	Labedz	Lamb
Lundy	Newell	Nichol	Pappas	Peterson, H.
Pirsch	Rupp	Schmit	Sieck	Von Minden
Wagner	Wesely	Wiitala		

Voting in the negative, 20:

Abboud	Barrett	Beyer	Carsten	Chambers
Clark	Fenger	Goll	Hannibal	Hoagland
Johnson, L.	Johnson, V.	Kilgarin	Landis	Marsh
Morehead	Remmers	Vickers	Warner	Withem

Present and not voting, 3:

Beutler	Jacobson	Johnson, R.

Excused and not voting, 3:

Fowler	Kahle	Peterson, R.

The Haberman amendment lost with 23 ayes, 20 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Messrs. R. Johnson, Cullan, Vickers, Kahle, and Lundy offered the following amendment:
(Amendment printed separate from the Journal and on file in the Clerk's Office - AM1346.)

Mr. Hannibal offered the following amendment to the R. Johnson et al amendment:

On page 21, strike lines 8 & 9 and insert "The name of the county in which the vehicle is registered shall be designated by a decal at the bottom of the plate."

Mr. Abboud, Mesdames Higgins, and Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wagner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

Mr. Hannibal moved for a Call of the House. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. Hannibal requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Abboud	Beutler	Carsten	Chronister	DeCamp
Eret	Fenger	Fowler	Goodrich	Haberman
Hannibal	Hefner	Higgins	Jacobson	Landis
Marsh	Morehead	Newell	Pappas	Peterson, H.
Pirsch	Remmers	Vickers	Warner	Withem

Voting in the negative, 17:

Barrett	Cullan	Goll	Hoagland	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Lamb
Lundy	Rupp	Sieck	Von Minden	Wagner
Wesely	Wiitala			

Present and not voting, 6:

Beyer	Chambers	Clark	Nichol	Peterson, R.
Schmit				

Excused and not voting, 1:

Labedz

The Hannibal amendment to the R. Johnson amendment was adopted with 25 ayes, 17 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

The R. Johnson et al amendment, as amended, was adopted with 26 ayes, 13 nays, 8 present and not voting, and 2 excused and not voting.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 78.

SELECT FILE

LEGISLATIVE BILL 118. Mr. Beutler offered the following amendment:

On page 2, line 5 after "reflectorized" insert "or reflectorized letters and numerals"

Mr. Hannibal asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Beutler moved for a Call of the House. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Abboud	Barrett	Beutler	Chambers	Clark
Cullan	Eret	Fowler	Hoagland	Jacobson
Kahle	Lamb	Landis	Morehead	Newell
Nichol	Peterson, H.	Remmers	Rupp	Vickers

Voting in the negative, 23:

Beyer	Carsten	Chronister	DeCamp	Fenger
Goll	Goodrich	Haberman	Higgins	Johnson, L.
Johnson, R.	Johnson, V.	Kilgarin	Lundy	Marsh
Pappas	Peterson, R.	Von Minden	Wagner	Warner
Wesely	Wiitala	Withem		

Present and not voting, 3:

Hefner	Pirsch	Sieck

Excused and not voting, 3:

Hannibal	Labedz	Schmit

The Beutler amendment lost with 20 ayes, 23 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill were correctly engrossed: 356.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 356

The following changes, required to be reported for publication in the Journal, have been made:
ER0092

1. Because of Cullan amendment, AM1098, (1)(j), in the E & R amendment, page 1, line 17, the matter beginning with the first "line" through "in" has been stricken.

2. In the E & R amendment, page 1, line 5, "section" has been inserted before "57-905"; and in line 7 "mineral exploration" has been stricken and "certain" inserted.

3. In the Cullan amendment, AM1048, on page 2, line 18, "1983," has been inserted before "to".

(Signed) Tristi J. Wilson
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Wiitala asked unanimous consent to print the following amendment to LB 273 in the Journal. No objections. So ordered.

AM1357

1. On page 3, line 8, strike "ninety" and
insert "one hundred twenty".

RESOLUTION

LEGISLATIVE RESOLUTION 88.

Introduced by Landis, 46th District.

PURPOSE: The purpose of this resolution is to study the existing laws governing the qualifications, duties, and powers of notaries public. A review should be made of the administration of the application procedure, compliance overview, and the adequacy of protection extended to the public in cases of malfeasance by notaries public. The study should include an investigation of amending existing laws so that Nebraska notarial acts will be recognized internationally by use of apostil.

Specific inquiry should be addressed to, among other things, the following topics:

(1) The adequacy of penalties for breach of notarial duties;

(2) The adequacy of the notary bond amount;

(3) The examination of applicants;

(4) A study of model notary acts; and

(5) The potential of placing notary records, applications, and records on computer files.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 118. Mr. Lamb moved to indefinitely postpone.

Pending.

VISITORS

Visitors to the Chamber were 11 students and teacher from Norris High School, Firth-Hickman; 23 seventh and eighth grade students and teachers from Sacred Heart School, Lawrence; 60 fourth grade students and teachers from Catlin School, Omaha; and Mike Ough from Kenesaw.

RECESS

At 11:58 a.m., on a motion by Mr. L. Johnson, the Legislature recessed

until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. V. Johnson, Schmit, Sieck, and Mrs. Labedz who were excused until they arrive.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 3, 1983, at 12:42 p.m., were the following bills: 265, 267, 424, 94, and 142.

(Signed) Pamela Moravec, Enrolling Clerk

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 79, LR 80, LR 81.

SELECT FILE

LEGISLATIVE BILL 118. Mr. Lamb asked unanimous consent to withdraw his pending motion to indefinitely postpone. No objections. So ordered.

Mr. DeCamp offered the following amendment:
AM1389
1. Strike the R. Johnson amendment, AM1346,
and all amendments thereto.
2. On page 2, line 12, after the period
insert "The name of the county in which the vehicle is
registered shall be designated by a decal at the bottom
of the plate.".

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

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

Mr. Newell offered the following amendment:

(Amendment to Warner Amendment)

1. On Page 1, strike sections 3 & 4.

Mr. Jacobson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 2 nays, and 30 not voting.

Mr. Newell requested a record vote on his amendment.

Voting in the affirmative, 9:

Fowler	Kilgarin	Newell	Pappas	Pirsch
Remmers	Rupp	Sieck	Vickers	

Voting in the negative, 21:

Beyer	Clark	DeCamp	Goll	Haberman
Hannibal	Hefner	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Kahle	Landis	Lundy	Marsh
Morehead	Peterson, H.	Wagner	Warner	Wesely
Withem				

Present and not voting, 15:

Abboud	Barrett	Beutler	Chambers	Chronister
Cullan	Eret	Fenger	Goodrich	Higgins
Lamb	Nichol	Peterson, R.	Von Minden	Wiitala

Excused and not voting, 4:

Carsten	Johnson, V.	Labedz	Schmit

The Newell amendment lost with 9 ayes, 21 ayes, 15 present and not voting, and 4 excused and not voting.

Mr. Lamb requested a record vote on the advancement of the bill.

Voting in the affirmative, 28:

Abboud	Beutler	Chambers	Chronister	Clark
Cullan	DeCamp	Fowler	Haberman	Hannibal
Hefner	Hoagland	Jacobson	Johnson, R.	Kahle
Kilgarin	Landis	Lundy	Marsh	Nichol
Pappas	Peterson, H.	Pirsch	Sieck	Vickers
Warner	Wesely	Withem		

Voting in the negative, 11:

Barrett	Beyer	Goll	Johnson, L.	Lamb
Morehead	Newell	Remmers	Rupp	Von Minden
Wagner				

Present and not voting, 6:

Eret	Fenger	Goodrich	Higgins	Peterson, R.
Wiitala				

Excused and not voting, 4:

Carsten	Johnson, V.	Labedz	Schmit

Advanced to E & R for Engrossment with 28 ayes, 11 nays, 6 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 336. E & R amendments, AM5135, found in the Journal on page 1838 for the Seventy-Third Day were adopted.

Mr. Pappas asked unanimous consent to withdraw his pending amendment, AM1282, found in the Journal on page 1776. No objections. So ordered.

Mr. Beutler asked unanimous consent to withdraw his pending amendment, AM1287, found in the Journal on page 1792. No objections. So ordered.

Mr. Pappas asked unanimous consent to pass over LB 336. No objections. So ordered.

LEGISLATIVE BILL 215. E & R amendments, AM5137, found in the Journal on page 1839 for the Seventy-Third Day were adopted.

Mr. Wiitala offered the following amendment:
AM1335

1. On page 2, line 14, after "mean" insert "(a)"; in line 18 strike the first "or" and strike "in"; in line 19 strike "such business;" and insert ", (b)"; in line 21 strike the semicolon and insert ", (c)"; in line 23 strike the semicolon and insert ", (d)"; and in line 25 strike the semicolon and insert an underscored comma, and after "and" insert "(e)".

Mr. Withem asked unanimous consent to be excused. No objections. So

ordered.

The Wiitala amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Beutler asked unanimous consent to pass over LB 215. No objections. So ordered.

LEGISLATIVE BILL 18. E & R amendments, AM5136, found in the Journal on page 1840 for the Seventy-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 18A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 524. E & R amendment, AM5138, found in the Journal on page 1840 for the Seventy-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 479. E & R amendments, AM5144, found in the Journal on page 1851 for the Seventy-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 219. E & R amendment, AM5140, found in the Journal on page 1852 for the Seventy-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 370. E & R amendments, AM5139, found in the Journal on page 1852 for the Seventy-Fourth Day were adopted.

Messrs. Hoagland, Pappas, and Mrs. Morehead asked unanimous consent to withdraw their pending amendment, AM1297, found in the Journal on page 1804. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 254. E & R amendments, AM5145, found in the Journal on page 1880 for the Seventy-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 254A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 59. Mr. DeCamp asked unanimous consent to withdraw his pending motion to indefinitely postpone. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM1283, found in the Journal on page 1752. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 1791. No objections. So ordered.

Mrs. Morehead renewed her pending amendment, AM1304, found in the Journal on page 1799.

Mr. R. Johnson asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the Morehead amendment:

During the 9 month duration of the one half of one percent sales and use tax imposed by the Morehead amendment, the sales and use tax in any city of the Metropolitan class shall be reduced by one half of one percent.

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, 25:

Abboud	Barrett	Beyer	Carsten	Chambers
Clark	Cullan	DeCamp	Fenger	Goll
Haberman	Hannibal	Hefner	Jacobson	Johnson, L.
Kahle	Lamb	Marsh	Pappas	Peterson, H.
Peterson, R.	Remmers	Sieck	Vickers	Von Minden

Voting in the negative, 17:

Beutler	Eret	Fowler	Goodrich	Higgins
Hoagland	Johnson, V.	Kilgarin	Landis	Lundy
Morehead	Pirsch	Rupp	Wagner	Warner

Wesely Wiitala

Present and not voting, 3:

Chronister Newell Nichol

Excused and not voting, 4:

Johnson, R. Labedz Schmit Withem

The Chambers amendment to the Morehead amendment was adopted with 25 ayes, 17 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. DeCamp requested a ruling of the Chair on whether the Morehead amendment, as amended, is germane to the bill.

The Chair ruled the amendment is germane to the bill.

Mrs. Marsh moved to reconsider the Chambers' amendment.

Mr. Wiitala moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 19 ayes, 7 nays, and 23 not voting.

Mrs. Marsh requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 21:

Beutler	Eret	Fowler	Goodrich	Higgins
Hoagland	Johnson, V.	Kahle	Kilgarin	Labedz
Landis	Marsh	Morehead	Newell	Nichol
Rupp	Sieck	Wagner	Warner	Wesely
Wiitala				

Voting in the negative, 22:

Abboud	Barrett	Beyer	Carsten	Chambers
Clark	Cullan	DeCamp	Fenger	Goll
Haberman	Hannibal	Hefner	Jacobson	Johnson, L.
Lamb	Lundy	Pappas	Peterson, H.	Peterson, R.

Remmers Von Minden

Present and not voting, 3:

Chronister Pirsch Vickers

Excused and not voting, 3:

Johnson, R. Schmit Withem

The Marsh motion to reconsider lost with 21 ayes, 22 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. Newell requested a division of the question on the original Morehead amendment as amended by the Chambers amendment.

The Chair ruled the division of the question out of order.

Mr. DeCamp moved to pass over LB 59 until Thursday at 1:30 p.m.

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

Mrs. Higgins offered the following amendment to the Morehead amendment:

During the 9 month duration of the one half of one percent sales and use tax imposed by the Morehead amendment the sales and use tax in any first class city which currently has imposed a sales tax shall be reduced by one half of one percent.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mrs. Higgins moved for a Call of the House. The motion lost with 9 ayes, 18 nays, and 22 not voting.

The Higgins amendment to the Morehead amendment lost with 9 ayes, 14 nays, 23 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 27 ayes, 0 nays, and 22 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 16 ayes, 5 nays, and 28 not voting.

Mr. Chambers requested a roll call vote on the Morehead amendment as amended.

Voting in the affirmative, 12:

Abboud	Barrett	Carsten	Chambers	Cullan
Hefner	Johnson, L.	Lamb	Pappas	Peterson, R.
Sieck	Vickers			

Voting in the negative, 32:

Beutler	Beyer	Chronister	Clark	DeCamp
Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Higgins	Jacobson	Johnson, V.
Kilgarin	Labedz	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Peterson, H.	Pirsch
Remmers	Rupp	Von Minden	Wagner	Warner
Wesely	Wiitala			

Absent and not voting, 2:

Hoagland	Kahle

Excused and not voting, 3:

Johnson, R.	Schmit	Withem

The Morehead amendment, as amended, lost with 12 ayes, 32 nays, 2 absent and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. Hoagland asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 1878 to LB 59. No objections. So ordered.

Mr. Hefner renewed his pending amendment found in the Journal on page 1892.

Mr. Hefner asked unanimous consent to withdraw his pending

amendment. No objections. So ordered.

Pending.

Messrs. Clark, Von Minden, and Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 336A. By DeCamp, 40th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 336, Eighty-eighth Legislature, First Session, 1983; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 204 in the Journal. No objections. So ordered.

(Final Reading)

On page 4, line 11, and line 13, after the word "pedestrian" insert, "who is properly within a marked crosswalk or in an unmarked crosswalk"

Mr. Hefner asked unanimous consent to print the following amendment to LB 273 in the Journal. No objections. So ordered.

AM1377

1. Strike the Hefner amendment adopted April 27 on page 1790 of the Journal and reinstate the Hefner amendment adopted April 12 on page 1479 of the Journal.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 118 in the Journal. No objections. So ordered.

AM1389

1. Strike the R. Johnson amendment, AM1346, and all amendments thereto.

2. On page 2, line 12, after the period insert "The name of the county in which the vehicle is registered shall be designated by a decal at the bottom of the plate.".

Mr. Warner asked unanimous consent to print the following

amendment to LB 192 in the Journal. No objections. So ordered.

In the Final Reading copy on page 4, in line 9, strike "1983" and insert "1984" and in line 12 after "81-640" insert ". There shall be placed in such fund eight hundred and twenty thousand dollars from such tax for fiscal year 1983-84".

Mr. Schmit asked unanimous consent to print the following amendment to LB 617 in the Journal. No objections. So ordered.

AM1370

(Amendments to the Final Reading Copy)

1. Insert the following new sections:

"Sec. 3. That section 26-112, Revised Statutes Supplement, 1982, be amended to read as follows:

26-112. The clerk of the municipal court shall charge and receive the following fees:

(1) In civil matters: For any and all services rendered up to and including the judgment or dismissal of the action, (a) ~~fifteen~~ eighteen dollars; for all orders after judgment, including, but not limited to, writs of execution, restitution, garnishment, examination in aid of execution, taking and approving any recognizance or bond, and furnishing transcripts, five dollars each; and

(2) In criminal matters: For any and all services rendered up to and including the judgment or dismissal of the action, and the issuance of mittimus or discharge to the jailer, (a) ~~fifteen~~ eighteen dollars; except that in all cases handled by a violations bureau established by the local governing body by ordinance, under the jurisdiction of the municipal court, the court cost shall be as set forth in such ordinance; and for all orders and all services rendered after judgment, including, but not limited to, entries and official acts recorded, furnishing transcripts, and taking and approving any recognizance or bond, five dollars each.

Sec. 4. That section 33-106, Revised Statutes Supplement, 1982, be amended to read as follows:

33-106. In addition to the judges retirement fund fee and except as otherwise provided by law, the fees of the clerk of the district court shall be as follows: There shall be a docket fee of ~~thirty-five~~ forty dollars for each civil and criminal case except (1) a case commenced by filing a transcript of judgment

as hereinafter provided; (2) proceedings under the Workmen's Compensation Law and the Employment Security Law, where provision is made for the fees that may be charged; and (3) a criminal case appealed to the district court from any court inferior thereto as hereinafter provided. There shall be a docket fee of twenty-five dollars for each case commenced by filing a transcript of judgment from another court in this state for the purpose of obtaining a lien. There shall be a docket fee of twenty-five dollars for each criminal case appealed to the district court from any court inferior thereto. In all cases, other than those appealed from an inferior court or original filings which are within jurisdictional limits of an inferior court and where a jury is demanded in district court, the docket fee shall cover all fees of said clerk except that said clerk shall be paid for each copy or transcript ordered of any pleading, record, or other paper, and that said clerk shall be entitled to a fee of fifteen dollars for making a complete record of a case, said fee to be taxed as a part of the costs of the case, except when expressly waived by the parties to the action. In all civil cases, except habeas corpus cases wherein a poverty affidavit is filed and approved by the court, and for all other services, the docket fee or other fee shall be paid by the party filing the case or requesting the service at the time the case is filed or the service requested. For any other service which may be rendered or performed by said clerk but which is not required in the discharge of his or her official duties, the fee shall be the same as that of a notary public but in no case less than one dollar.

Sec. 5. That section 33-106.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-106.02. The clerk of the district court of each county shall in no case retain for his or her own use any fees, revenue, perquisites, or receipts, fixed, enumerated, or provided in this or any other section of the statutes of the State of Nebraska. The clerk ~~, but~~ shall on or before the fifteenth day of each month make a report to the county board, under oath, showing the different items of such fees, revenue, perquisites, or receipts received, from whom, at what time, and for what service, and the total amount received by such officer

since the last report, and also the amount received for the current year. The clerk shall account for and pay any fees, revenue, perquisites, or receipts not later than the fifteenth day of the month following the calendar month in which such fees, revenue, perquisites, or receipts were received in the following manner: (1) If a forty- dollar docket fee is imposed pursuant to section 33- 106, five dollars of such fee shall be transmitted to the State Treasurer who shall deposit the same in the General Fund; and (2) the remaining fees, revenue, perquisites, or receipts shall be credited to the general fund of the county. If a thirty- five dollar docket fee is imposed pursuant to section 33- 106, the entire fee shall be credited to the general fund of the county. ~~, and shall not later than the fifteenth day of the month account for and pay the same to the county treasurer who shall credit the same to the general fund of the county.~~

Sec. 6. That section 33-123, Revised Statutes Supplement, 1982, be amended to read as follows:

33-123. The county court shall be entitled to the following fees in civil matters: For any and all services rendered up to and including the judgment or dismissal of the action, ~~fifteen~~ eighteen dollars; for all orders, after judgment, including writs of execution, restitution, garnishment, examination in aid of execution, and taking and approving any recognizance or bond, five dollars each.

Sec. 7. That section 33-124, Revised Statutes Supplement, 1982, be amended to read as follows:

33-124. In criminal matters including preliminary and juvenile hearings, the county judge shall receive the following fees: For any and all services rendered up to and including the judgment or dismissal of the action and the issuance of mittimus or discharge to the jailer, the sum of ~~fifteen~~ eighteen dollars; for all orders after judgment and taking and approving any recognizance or bond, five dollars each.

Sec. 33. That original sections 26-112, 33-106, 33-123, and 33-124, Revised Statutes Supplement, 1982, are repealed.".

2. On page 34, line 22, strike "This" and insert "(1) Except as provided in subsection (2) of this section, this"; after line 23 insert the following new subsection:

"(2) Sections 3, 4, 6, 7, and 33 of this act shall become effective only upon the effective date of Legislative Bill 269, Eighty-eighth Legislature, First Session, 1983."; and in line 24, after "sections" insert "33-106.02,".

3. Renumber the remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 89.

Introduced by Cullan, 49th District.

WHEREAS, the discovery of uranium deposits in the State of Nebraska has focused attention on the possible mining of such deposits; and

WHEREAS, the Wyoming Fuel Company has already indicated an interest in mining such deposits by applying to both the Nuclear Regulatory Commission and the Department of Environmental Control for permission to proceed with the establishment of a uranium mining pilot project near Crawford, Nebraska; and

WHEREAS, the Legislature is expected to enact LB 356 in the 1983 Session to provide greater state control in the oversight of injection wells, which wells are associated with the in-situ uranium mining process which is at this time the process to be used at the Wyoming Fuel Company pilot project; and

WHEREAS, the possibility exists that other types of uranium mining, such as strip, surface, or shaft mining, may be contemplated in the future; and

WHEREAS, the health, safety, and environment of the people of the State of Nebraska is an important concern; and

WHEREAS, the Legislature should monitor the implementation of LB 356 to determine if the measure provides adequate state regulation of the in-situ uranium mining process; and

WHEREAS, the Legislature should immediately study the potential hazards of any additional types of uranium mining which might take place in this state to determine if further legislative action is necessary.

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

1. That the Agriculture and Environment Committee of the Legislature be designated to conduct a study to carry out the purposes of this resolution.

2. That the Agriculture and Environment Committee upon the

conclusion of its study make a report of its findings, together with its recommendations, to the Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 214, 234, and 585A.

Correctly Engrossed

The following bills were correctly engrossed: 343 and 343A.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 234

The following changes, required to be reported for publication in the Journal, have been made:
ER0094

1. On page 1, line 7, after the semicolon "to provide fees;" has been inserted.

Enrollment and Review Change to LB 343

The following changes, required to be reported for publication in the Journal, have been made:
ER0093

1. On page 1, line 5, "and" has been stricken and before the period "; and to declare an emergency" has been inserted.

2. In the DeCamp, et al amendment, AM1292, page 2, line 12, "similar" has been correctly spelled; and on page 3, line 10, "and"has been stricken and "an" inserted, and in line 21 "29" has been stricken and "19" inserted.

3. Because of E & R amendment 3, in the DeCamp, et al amendment, AM 1292, on page 3, line 22 the matter between the first "this" through"act" has been stricken.

4. Because of DeCamp et al amendment AM1292 (2)(c), adopted 4/27/83, (a) in the DeCamp amendment, AM1068 adopted 4/13/83, page 5, the matter beginning with "and" in line 10 through "matter" in line 11 has been stricken; and amendment 15 has been stricken; and (b) in AM0665, page 16, line 18, before "Upon" insert "(4)".

Enrollment and Review Change to LB 343A

The following changes, required to be reported for publication in the Journal, have been made:
ER0095

1. On page 1, line 3, "; and to declare an emergency" has been inserted after "1983".

(Signed) Tristi J. Wilson
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 59. Mr. DeCamp and Mrs. Morehead offered the following amendment:
On page 2, line 10 through 27, strike the new matter and reinstate the stricken matter.

1. On page 5, line 16, strike "minus", show as stricken, and insert "reduced by the"; and in line 17 after "period" insert "and further reduced by the additional one half of one per cent sales and use tax imposed by section 7 of this act".

2. Insert the following new sections:

"Sec. 2. That section 77-27,137, Revised Statutes Supplement, 1982, be amended to read as follows:

77-27,137. The appropriation provided for in section 77-27,136 for aid to counties shall be distributed to the various county treasurers of the state on the basis of the ratio of the total amount of property taxes levied by the particular county for county purposes to the total amount of property taxes levied by all counties for county purposes based on the amounts stated in the most recent certificate of taxes levied statement submitted by each county to the State Board of Equalization and Assessment pursuant to section 77-628.

The Tax Commissioner shall determine the amount to be distributed to the various counties and certify such amounts by voucher to the Director of Administrative Services. Each amount shall be distributed (1) for fiscal year 1982-83 in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning December 1982, and (2) for fiscal year 1983-84 and each fiscal year thereafter in ~~twelve~~ seven as nearly as possible

equal monthly payments ~~between the fifth and twentieth~~ on the last business day of each month beginning ~~July~~ December 1983, and each ~~July~~ December thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall~~, upon receipt of such notification and vouchers,~~ on the last business day of each month draw warrants against funds appropriated. The proceeds of the governmental subdivision payments received by the various county treasurers shall be credited to the general fund of the county.

Sec. 3. That section 77-27,137.01, Revised Statutes Supplement, 1982, be amended to read as follows:

77-27,137.01. The appropriation provided for in section 77-27,136 for aid to incorporated municipalities shall be allocated by the Tax Commissioner to the various incorporated municipalities. The Tax Commissioner shall determine the amount to be distributed to the incorporated municipalities and certify such amounts by voucher to the Director of Administrative Services. Each amount shall be distributed (1) for fiscal year 1982-83 in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning December 1982, and (2) for fiscal year 1983-84 and each fiscal year thereafter in ~~twelve~~ seven as nearly as possible equal monthly payments ~~between the fifth and twentieth~~ on the last business day of each month beginning ~~July~~ December 1983, and each ~~July~~ December thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall~~, upon receipt of such notification and vouchers,~~ on the last business day of each month draw warrants against funds appropriated. The Tax Commissioner shall compute the amount due the incorporated municipalities on the ratio of the population of the particular incorporated municipality to the total population of all incorporated municipalities in the state as determined by the latest federal census, which amounts shall be placed in the

general fund of such municipalities.

Sec. 4. That section 79-1333, Revised Statutes Supplement, 1982, be amended to read as follows:

79-1333. (1) Commencing with school year 1980-81 all state financial assistance to districts pursuant to sections 79-1330 to 79-1344 shall be based upon the annual financial reports for the 1978-79 school year of such districts as required by section 79-451 and the fall school district membership report for the 1979-80 school year required by section 79-1333.02. Financial assistance for the 1981-82 school year and each school year thereafter shall be based upon the second preceding school year's annual financial report and the preceding school year's fall school district membership report. The State Department of Education shall determine the amount to be distributed to the various school districts and certify such amounts to the Director of Administrative Services. Each amount shall be distributed (a) for fiscal year 1982-83 in nine as nearly as possible equal monthly payments, beginning in October 1982, for the continuation of the ninety-five million dollars appropriated for state aid, (b) for fiscal year 1982-83 in seven as nearly as possible equal monthly payments beginning in December 1982, for any additional amounts appropriated by Legislative Bill 816A, Eighty-seventh Legislature, Second Session, 1982, and (c) for fiscal year 1983-84 and ~~all succeeding fiscal years in ten monthly payments with the first payment equal to twenty- five per cent of the district's total entitlement followed by~~ each fiscal year thereafter in nine as nearly as possible equal monthly payments on the last business day of each month, beginning in ~~September~~ October 1983, and each ~~September~~ October thereafter, except that a school district may apply for early payment as provided in subsection (2) of this section. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall~~, upon receipt of such notification,~~ on the last business day of each month draw warrants against funds appropriated. The annual financial reports shall be submitted to the State Board of Education by Class I and

II school districts on or before the first day of October of each year, and by Class III, IV, V, and VI school districts on or before the first day of November of each year. When any Class I or II school district fails to submit its report by the first day of October, any state assistance granted pursuant to sections 79-1330 to 79-1344 shall be based on the amount granted for the previous fiscal year, and shall be reduced by ten per cent of that amount, and when any such district fails to submit its report by the first day of November, it shall forfeit all assistance pursuant to sections 79-1330 to 79-1344 for that year. When any Class III, IV, V, or VI school district fails to submit its report by the first day of November any state assistance granted pursuant to sections 79-1330 to 79-1344 shall be based on the amount granted for the previous fiscal year, and shall be reduced by ten per cent of that amount, and when any such district fails to submit its report by the fifteenth day of November, it shall forfeit all assistance pursuant to sections 79-1330 to 79-1344 for that year.

(2) A school district which receives federal funds in excess of twenty-five per cent of its current operations budget may apply for early payment of state financial assistance paid pursuant to sections 79-1330 to 79-1344 when such federal funds are not received in a timely manner. Such application may be made at any time by a school district suffering such financial hardship and may be for any amount up to fifty per cent of the remaining amount to which the district is entitled during the current fiscal year. The State Board of Education may grant the entire amount applied for or any portion of such amount if, after a hearing, the board finds that a financial hardship exists in the district. The board shall notify the Director of Administrative Services of the amount of funds to be paid in lump sum and the new reduced amount of the monthly payments. The Director of Administrative Services shall, within five days after such notification, draw a warrant for the lump sum amount from appropriated funds and forward such warrant to the district. As used in this subsection, financial hardship shall mean a situation in which income to a district is exceeded by liabilities to such a degree that if early payment is not received it will be necessary for the district to discontinue vital

services or functions.

Sec. 5. (1) There is hereby created within the state treasury a fund known as the Cash Reserve Fund which shall be under the direction of the State Treasurer. The fund shall only be used pursuant to subsection (2) of this section.

(2) The State Treasurer shall transfer funds from the Cash Reserve Fund to the General Fund upon certification by the Director of Administrative Services that the current cash balance in the General Fund is inadequate to meet current obligations. Such certification shall include the dollar amount to be transferred.

(3) Any transfers made pursuant to this section shall be reversed upon notification by the Director of Administrative Services that sufficient funds are available.

Sec. 6. Interest shall not accrue on the funds which have been transferred from the Cash Reserve Fund to the General Fund pursuant to section 5 of this act.

Sec. 7. (1) In addition to the sales tax imposed pursuant to section 77-2715.01, the State Board of Equalization at its next meeting shall impose an additional one half of one per cent sales and use tax for the period July 1, 1983, through March 31, 1984, or for the period beginning on the first day of the first month following the effective day of this act and continuing for nine calendar months, whichever date may legally take effect earlier. All proceeds from this additional tax shall be paid to the Cash Reserve Fund.

(2) Any money in the Cash Reserve Fund available for investment shall be invested by the State Investment Officer pursuant to sections 72-1237 to 72-1269 and any interest earned shall accrue to the Cash Reserve Fund.

(3) The tax imposed under this section shall not be considered a rate increase for purposes of subsection (7) of section 77-2704.

Sec. 8. The sales and use tax imposed under section 7 of this act is in addition to the sales and use tax imposed under the provisions of Chapter 77, article 27, and shall be interpreted, collected, remitted, and enforced by the Tax Commissioner under the provisions of Chapter 77, article 27.

Sec. 9. Any transfer of funds made pursuant to section 5 of this act and which has not been reversed as provided in such section shall be considered an encumbrance against the General Fund.

Sec. 10. Sections 2 to 9 and 12 of this act shall become operative on July 1, 1983. The other sections of this act shall become operative on their effective date.

Sec. 12. That original sections 77-27,137, 77-27,137.01, and 79-1333, Revised Statutes Supplement, 1982, are repealed.".

3. Renumber original section 2 as section 11, and renumber the section added by the Standing Committee amendments as section 13.

Mr. Chambers offered the following amendment to the DeCamp-Morehead amendment:

During the 9 month duration of the one half of one percent sales and use tax imposed by the Morehead amendment, the sales and use tax in any city of the Metropolitan class shall be reduced by one half of one percent.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Chambers amendment lost with 7 ayes, 26 nays, 10 present and not voting, and 6 excused and not voting.

Mr. L. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The DeCamp-Morehead amendment was adopted with 35 ayes, 4 nays, 4 present and not voting, and 6 excused and not voting.

Mr. Warner offered the following amendment:

1. In the Morehead-DeCamp amendments, on page 8, strike beginning with "for" in line 10 through "beginning" in line 11 and insert "beginning on July 1, 1983, or"; in line 13 strike "and continuing for nine calendar months"; in line 14 after "earlier" insert "and continuing until terminated pursuant to subsection (4) of this section"; and after line 23 insert a new subsection as follows:

"(4) Collection of the additional sales and use tax imposed by this section shall terminate on the earlier of the following dates: (a) the last day of the ninth month following the month in which the tax is first imposed, or

(b) the last day of the month following the month in which deposits in the Cash Reserve Fund equal thirty million dollars.".

Mr. Hefner asked unanimous consent to be excused. No objections. So ordered.

The Warner amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Advanced to E & R for Engrossment with 36 ayes, 2 nays, 4 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Members Excused

Mrs. Marsh and Mr. Barrett asked unanimous consent to be excused. No objections. So ordered.

UNANIMOUS CONSENT - Expedite LB 210

Mr. Chambers asked unanimous consent to expedite LB 210.

Mr. Beutler objected.

Mr. Chambers moved to expedite LB 210.

The Chambers motion lost with 9 ayes, 15 nays, 16 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Expedite LB 59

Mr. Warner asked unanimous consent to expedite LB 59.

Mr. Beutler objected.

VISITORS

Visitors to the Chamber were 49 fourth grade students and teachers from West Lawn Elementary, Grand Island; and Mr. and Mrs. Charles Emig from Bellevue.

ADJOURNMENT

At 5:43 p.m., on a motion by Mrs. Morehead, the Legislature adjourned until 8:30 a.m., Wednesday, May 4, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-SIXTH DAY - MAY 4, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

SEVENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 4, 1983

Pursuant to adjournment, the Legislature met at 8:34 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Rev. Ed Hallock, South View Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Hoagland who was excused; and Messrs. Beyer, DeCamp, Fowler, Hefner, V. Johnson, Lundy, Newell, Rupp, Schmit, Sieck, Vickers, Mesdames Higgins, Labedz, Morehead, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Fifth Day was approved.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 239 in the Journal. No objections. So ordered.

AM1364

1. In the Schmit amendment, AM1173, adopted April 25, (a) on page 1, strike the new matter in lines 13 and 14; in line 15 strike "or" and show as stricken; in line 17 after "Nebraska" insert ", or bank which has acquired substantially all of the assets and liabilities of an industrial loan and investment company"; and in line 21 after "member" insert ", except that in the case of a bank which has acquired substantially all of the

assets and liabilities of an industrial loan and investment company, account shall mean only the certificates of indebtedness outstanding at the time of acquisition"; and (b) on page 2, line 20, after "institution" insert ", except that in the case of a bank acquiring substantially all of the assets and liabilities of an industrial loan and investment company, the term shall mean only the certificates of indebtedness outstanding at the time of acquisition"; in line 22 strike "and"; and in line 25 after "1983" insert "and sections 2 and 3, Legislative Bill 241, Eighty-eighth Legislature, First Session, 1983,".

2. Insert the following new sections:

"Sec. 4. That section 2, Legislative Bill 241, Eighty-eighth Legislature, First Session, 1983, be amended to read as follows:

Sec. 2. ~~The~~ Pursuant to section 1, Legislative Bill 241, Eighty- eighth Legislature, First Session, 1983, the Department of Banking and Finance may permit cross-industry acquisition of any failing institution under its supervision or permit acquisition and operation of such institutions as a bank subsidiary by a bank holding company when the department determines the acquisition of any of the institutions under its supervision is necessary because its capital is impaired, it is conducting its business in an unsafe or unauthorized manner, or it is endangering the interests of depositors or savers. If the acquiring institution is a bank, it may continue to operate such institution as a state institution under the respective Nebraska statutes notwithstanding its denomination as a bank subsidiary. Acquisitions by any financial institution under this act shall be deemed to be of the same nature as an acquisition of a state chartered bank and shall follow such rules or regulations established by the Director of Banking and Finance for acquisition of state chartered banks by a bank holding company. In considering an application under this section, the director shall authorize transactions considering the following priorities:

(1) First, between institutions of the same type; and

(2) Second, between institutions of different types.

Sec. 5. That section 3, Legislative Bill 241,

Eighty-eighth Legislature, First Session, 1983, be amended to read as follows:

Sec. 3. Whenever an application by a bank or a bank holding company is received by the Department of Banking and Finance to acquire any other financial institution, the following terms and conditions shall be met and such acquisitions shall be valid only when and for as long as these conditions are satisfied:

(1) The acquiring bank holding company may not apply for, nor shall it operate, such a state chartered institution as a nonbank subsidiary under section 4 of the Federal Bank Holding Company Act of 1956, as amended;

(2) The state chartered institution to be acquired by a bank or a bank holding company shall be subject to the conditions upon which a bank incorporated under the laws of this state may establish, maintain, relocate, or close any of its offices pursuant to the Nebraska Banking Act, but nothing in this act or any other provision of law shall require divestiture ~~such an association to divest itself~~ of any branch or office in operation at the time of acquisition; and

(3) A state chartered institution to be acquired by a bank holding company shall be subject to the provisions of section 3 of the Federal Bank Holding Company Act of 1956, as amended, and those rules and regulations that apply to bank subsidiaries of bank holding companies as are or may be established by both the Board of Governors of the Federal Reserve System and the Director of Banking and Finance.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 90.

Introduced by Vickers, 38th District.

PURPOSE:

To study the adequacy of current curriculum and graduation requirements applicable to the State's secondary schools and secondary students. Specifically the study should address the concept of strengthening the graduation requirements in the "new basics", science, mathematics, English, social studies and computer science as recommended by the National Commission on Excellence in Education.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS

OF THE EIGHTY-EIGHTH LEGISLATURE, FIRST SESSION:

1. That the Education Committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Committee shall upon the conclusion of its study, make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 91.

Introduced by Vickers, 38th District.

PURPOSE:

To address issues relating to the competency, quality, and compensation of teachers and teaching in Nebraska's elementary and secondary school system. The study should address the recommendations of the National Commission on Excellence in Education including:

1. Pre-enrollment aptitude examinations and higher entrance requirements for Teachers College applicants.

2. Teacher's College preparation focused on achieving competence in an academic discipline.

3. Increased and market sensitive teaching salaries.

4. An improved performance evaluation system for purposes of salary, promotion, tenure and retention.

5. An eleven month contract for teachers.

6. Career ladders for teachers to distinguish between beginning instructors, experienced teachers and master teachers.

7. Use of non-school personnel to solve the problem of teacher shortages in the areas of mathematics and science.

The overall purpose of the study should be an examination of the various alternatives to return the brightest and the best into the teaching profession.

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

1. That the Education Committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Committee shall upon the conclusion of its study, make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 92.

Introduced by Vickers, 38th District.

PURPOSE:

To study issues related to school schedules. Should the school day, week or year be lengthened or made more flexible to assure greater time spent on instruction? Do extra-curricular activities unduly limit instruction and learning time at school?

Specifically, the Legislature should investigate the role and function of the Nebraska School Activities Association in so far as that Association may have an impact on school scheduling.

The Legislature should review and respond to the recommendation of the National Commission on Excellence in Education that more time should be devoted to the instruction and learning the new basics.

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

1. That the Education Committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Committee shall upon the conclusion of its study, make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MR. HABERMAN PRESIDING

UNANIMOUS CONSENT - Members Excused

Mrs. Marsh and Mr. Schmit 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 433.

A BILL FOR AN ACT to adopt the Uniform Condominium Act; to amend sections 76-802, 76-804, 76-807, 76-809, 76-811, 76-816, 76-817, 76-819, 76-820, and 76-823, Reissue Revised Statutes of Nebraska, 1943, and section 31-735, Revised Statutes Supplement, 1982; to harmonize provisions relating to condominiums; 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, 42:

Abboud	Barrett	Beutler	Carsten	Chambers
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Higgins	Jacobson	Johnson, L.	Johnson, R.
Kahle	Kilgarin	Lamb	Landis	Lundy
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala	Withem			

Voting in the negative, 0.

Excused and not voting, 7:

Beyer	Hefner	Hoagland	Johnson, V.	Labedz
Marsh	Schmit			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Approve Appointment

Mr. Barrett moved the adoption of the report of the Miscellaneous Subjects Committee for the following Governor appointment found in the Journal on page 1886: Jody Asmussen - Nebraska Arts Council.

Voting in the affirmative, 39:

Abboud	Barrett	Carsten	Chambers	Clark
Cullan	DeCamp	Eret	Fenger	Fowler
Goll	Goodrich	Haberman	Hannibal	Higgins
Jacobson	Johnson, L.	Johnson, R.	Kahle	Kilgarin
Lamb	Landis	Lundy	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Remmers
Rupp	Schmit	Sieck	Vickers	Wagner
Warner	Wesely	Wiitala	Withem	

Voting in the negative, 0.

Present and not voting, 4:

Beutler	Chronister	Pirsch	Von Minden

Excused and not voting, 6:

Beyer	Hefner	Hoagland	Johnson, V.	Labedz
Marsh				

The appointment was confirmed with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

REPORT ON LB 602

Mr. Warner announced pursuant to Rule 6, Section 14, the Appropriations Committee has reviewed the Governor's line item vetoes in LB 602, Eighty-eighth Legislature, First Session, and by majority vote has decided to recommend that the Legislature not override any of the vetoes in LB 602.

MOTION - Override Governor's Veto on LB 64

Mr. Landis renewed his pending motion found in the Journal on page 1882 that LB 64 become law notwithstanding the objection of the Governor.

MR. KAHLE PRESIDING

MR. HABERMAN PRESIDING

Mr. Von Minden moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 0 nays, and 28 not voting.

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

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Mr. Newell requested a roll call vote.

Voting in the affirmative, 22:

Abboud	Barrett	Beutler	Chronister	DeCamp
Fenger	Goll	Haberman	Higgins	Johnson, R.
Lamb	Landis	Lundy	Pappas	Peterson, R.
Remmers	Rupp	Schmit	Vickers	Warner
Wesely	Wiitala			

Voting in the negative, 21:

Carsten	Chambers	Clark	Cullan	Eret
Fowler	Goodrich	Hannibal	Jacobson	Johnson, L.
Kahle	Kilgarin	Marsh	Morehead	Newell
Nichol	Peterson, H.	Pirsch	Von Minden	Wagner
Withem				

Present and not voting, 1:

Sieck

Excused and not voting, 5:

Beyer	Hefner	Hoagland	Johnson, V.	Labedz

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

The Chair declared the Call raised.

MOTION - Override Governor's Line-Item Veto on LB 602

Mr. Schmit moved pursuant to Rule 6, Section 14(c), that the Legislature override the Governor's line-item veto of the Nebraska Commission on Law Enforcement and Criminal Justice, Program No. 202, in Section 50, on page 59 of LB 602.

Mr. R. Peterson 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 26 ayes, 0 nays, and 23 not voting.

Mr. Schmit moved for a Call of the House. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item veto of the Governor as stated above?' "

Mr. Schmit requested a roll call vote.

Voting in the affirmative, 25:

Abboud	Carsten	Chambers	Chronister	Cullan

Eret	Fenger	Fowler	Goll	Hannibal
Higgins	Johnson, V.	Landis	Lundy	Newell
Pappas	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Sieck	Vickers	Wesely	Wiitala

Voting in the negative, 18:

Barrett	Beutler	Clark	DeCamp	Haberman
Jacobson	Johnson, L.	Johnson, R.	Kahle	Lamb
Marsh	Morehead	Nichol	Peterson, H.	Von Minden
Wagner	Warner	Withem		

Present and not voting, 1:

Kilgarin

Absent and not voting, 1:

Goodrich

Excused and not voting, 4:

Beyer	Hefner	Hoagland	Labedz

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the line-item objections of the Governor.

UNANIMOUS CONSENT - Member Excused

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Suspend Rules

Mr. Warner moved to suspend the rules, Rule 6, Section 11, and direct the Clerk to deliver LB 602 to the Secretary of State.

The Warner motion prevailed with 33 ayes, 2 nays, 9 present and not voting, and 5 excused and not voting.

EXPLANATION OF VOTE

If I had been present, I would have voted yes on LB 433.

(Signed) Shirley Marsh

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following amendment to LB 228 in the Journal. No objections. So ordered.

AM1392
(Amendments to Standing Committee Amendments, AM1140)

1. Strike sections 2, 4, 6 to 8, and 10 inserted by the amendment.

2. On page 1, lines 7 and 20; page 5, line 19; page 6, lines 7 and 8; page 17, line 22; page 18, lines 3, 12, and 17; page 19, line 22; and page 20, line 3, strike "11 to 15" and insert "5 to 9".

3. On page 20, line 20, strike the comma; in line 21 strike beginning with "57-702" through "57-710,"; and in line 23 strike the first comma and insert "and", and strike "and 57-919,".

4. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 93.

Introduced by Newell, 13th District.

WHEREAS, a compromise between the National League of Cities and the National Cable Television Association containing a "compromise" on Senate Bill 66 was approved by a majority of the Board of Directors of the National League of Cities on March 6, 1983; and

WHEREAS, that compromise would purport to substantially impair the ability of municipalities to enforce and benefit from mutually acceptable contractual obligations currently committed by all operators of cable television systems; and

WHEREAS, Nebraska municipalities have expressed concern on the effect the compromise, if enacted, would have on the contracts presently in force and the operation of the cable television systems in Nebraska municipalities; and

WHEREAS, on April 4, 1983 the Executive Council of the Nebraska League of Municipalities went on record against the proposed "compromise".

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA,

FIRST SESSION:

1. That this Legislature go on record to express its opposition to Senate Bill 66 and to the compromise proposal agreed to by the Board of Directors of the National League of Cities on March 6, 1983.

2. That this Legislature go on record to request that the Board of Directors of the National League of Cities reconvene, as soon as possible, a special meeting of its membership for the purpose of withdrawing and reevaluating its initial support of the compromise cable television agreement for Senate Bill 66 adopted March 6, 1983 and directs that the Executive Director provide, as soon as possible, their concerns to the Board of Directors of the National League of Cities and to other interested parties.

3. That this Legislature go on record to encourage our Nebraska Congressional and Senatorial Delegation to oppose Senate Bill 66 and the compromise proposals approved by the National League of Cities Board of Directors on March 6, 1983.

4. That copies of this resolution be sent to those individuals named above and the league of Nebraska Municipalities.

Laid over.

LEGISLATIVE RESOLUTION 94.

Introduced by Vickers, 38th District; Pappas, 42nd District.

PURPOSE:

To study the insanity defense to a criminal charge as it exists today in Nebraska, especially in regard to modifying or eliminating the affirmative defense of insanity and eliminating the annual review hearings that are presently required.

There has been a great public outcry concerning the insanity defense the past two years. The public is concerned about possible abuse of the insanity defense in criminal actions. The Legislature should respond to this public concern by making a thorough study of the defense of insanity, possible changes or elimination of the defense, and possible abuses of the defense. This study should include input from and conducted with the cooperation of psychiatrists, psychologists, courts, prosecutors, criminal defense attorneys, corrections personnel, personnel from the Department of Public Institutions and the public.

The Legislature currently has pending in the Judiciary Committee LB-441 introduced by Senators Vickers and Pappas. LB-441 should be taken into consideration in the study.

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

1. The Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. The committee shall upon conclusion of the study make an official report of its findings and recommendations to the Legislative Council or the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 95.

Introduced by DeCamp, 40th District; Landis, 46th District.

PURPOSE: The second largest consumers of energy in Nebraska are residential users. Heating constitutes the majority of home energy use. Local and national data show that existing residences can be improved 40-60 per cent in heating efficiency through energy conservation measures. Currently, energy building codes apply only to new construction. However, existing housing stock consumes the majority of residential energy used and will for a substantial period into the future. Since Nebraskans import in excess of 90 per cent of the energy sources used to heat their homes and these energy sources continue to rise in cost (some dramatically), residential energy consumption represents a substantial drain on the economy of the State.

The purpose of this study is to assess the advisability of legislation to address this problem. In order to accomplish the purpose of this resolution, the following topics shall be studied:

1. Assess alternate methods of improving energy efficiency in existing housing stock. Specifically, study the feasibility of granting local governments the authority to adopt and enforce a minimum standards weatherization ordinance through adopting and enforcing energy audits, inspections, investigations or other enforcement procedures.

2. Any other matters necessary to accomplish a complete analysis of this issue.

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

1. That a committee of the Legislature shall be designated to conduct an interim sudy and to hold any public hearings as necessary to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of the study make a report of its finding, together with its recommendations, to the Legislative Council prior to the commencement of the 1984 legislative session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 96.

Introduced by Fowler, 27th District.

PURPOSE: The purpose of this resolution is to study the impact of the federal budget cuts on elementary, secondary, and post-secondary educational services in the State of Nebraska.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purpose of this resolution.

2. That the Education Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 97.

Introduced by Fowler, 27th District.

PURPOSE: The purpose of this resolution is to study the impact of the federal budget cuts on human services across the State of Nebraska.

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

1. That the Public Health and Welfare Committee of the Legislature shall be designated to conduct an interim study to carry out the purpose of this resolution.

2. That the Public Health and Welfare Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 98.

Introduced by Fowler, 27th District.

PURPOSE: The purpose of this resolution is to study the need to provide interpreters for those individuals, who because of hearing or

speaking impairments, or who are otherwise unable to communicate the English Language, require assistance in legal proceedings, thus protecting the constitutional rights of such individuals.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Judiciary Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 99.

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

PURPOSE: The purpose of this resolution is to study the need to develop a state medical examiner system in the State of Nebraska.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purpose of this resolution.

2. That the Judiciary Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION - Return LB 192 to Select File

Mr. Warner moved to return LB 192 to Select File for his specific amendment found in the Journal on page 1923.

MR. KAHLE PRESIDING

MR. HABERMAN PRESIDING

The Warner motion to return lost with 14 ayes, 19 nays, 12 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 192. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 81-638, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2602 and 81-641, Revised Statutes Supplement, 1982; to modify cigarette tax rates; to create a fund; to modify provisions relating to appropriations for cancer research; to rename a fund; 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, 34:

Abboud	Barrett	Chambers	Chronister	Cullan
DeCamp	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hannibal	Higgins	Johnson, L.
Johnson, R.	Johnson, V.	Kilgarin	Labedz	Lundy
Marsh	Newell	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Vickers	Wesely	Wiitala	Withem	

Voting in the negative, 10:

Beutler	Clark	Kahle	Lamb	Landis
Morehead	Nichol	Von Minden	Wagner	Warner

Present and not voting, 1:

Jacobson

Excused and not voting, 4:

Beyer	Carsten	Hefner	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.

MOTION - Return LB 198 to Select File

Mr. Kahle moved to return LB 198 to Select File for his pending specific

amendment, AM1273, found in the Journal on page 1778.

The Kahle motion to return prevailed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 198. The Kahle specific amendment, AM1273, found in the Journal on page 1778 was adopted with 29 ayes, 1 nay, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 198 to Select File

Mr. Vickers moved to return LB 198 to Select File for the following specific amendment:

On page 3, line 10, after sharing, insert ", to the extent of actual benefits received,"

SPEAKER NICHOL PRESIDING

Mr. Vickers requested a roll call vote on his motion to return.

Voting in the affirmative, 23:

Beutler	Chambers	Cullan	Eret	Fowler
Haberman	Higgins	Johnson, R.	Johnson, V.	Kilgarin
Lamb	Landis	Marsh	Morehead	Newell
Pappas	Pirsch	Remmers	Rupp	Vickers
Wesely	Wiitala	Withem		

Voting in the negative, 14:

DeCamp	Goll	Jacobson	Johnson, L.	Kahle
Labedz	Lundy	Nichol	Peterson, H.	Schmit
Sieck	Von Minden	Wagner	Warner	

Present and not voting, 8:

Abboud	Barrett	Chronister	Clark	Fenger
Goodrich	Hannibal	Peterson, R.		

Excused and not voting, 4:

Beyer	Carsten	Hefner	Hoagland

The Vickers motion to return lost with 23 ayes, 14 nays, 8 present and not voting, and 4 excused and not voting.

Mr. Beutler moved to return LB 198 to Select File for the following specific amendment:

By adding the following language after the word "due" in line 21, page 19:

"provided, however, that no lien shall become effective until notice thereof is filed with the Register of Deeds in the county in which the benefitted property is located and such lien shall relate back only to the date of filing."

The Beutler motion to return prevailed with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 198. The Beutler specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 198 to Select File

Messrs. Haberman and Vickers moved to return LB 198 to Select File for the following specific amendment:

AM1391

(Amendments to Final Reading Copy)

1. On page 17, line 24, strike "fifty" and insert "twenty- five".

Messrs. Von Minden and Warner asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Vickers requested a record vote on the motion to return.

Voting in the affirmative, 16:

Beutler	Chambers	Cullan	Eret	Fowler
Haberman	Higgins	Johnson, R.	Johnson, V.	Landis
Morehead	Pappas	Rupp	Vickers	Wesely

Wiitala

Voting in the negative, 20:

Abboud	Barrett	Chronister	Clark	DeCamp
Goll	Goodrich	Hannibal	Jacobson	Johnson, L.
Kahle	Kilgarin	Lamb	Lundy	Newell
Peterson, H.	Remmers	Schmit	Sieck	Wagner

Present and not voting, 7:

Fenger	Labedz	Marsh	Nichol	Peterson, R.
Pirsch	Withem			

Excused and not voting, 6:

Beyer	Carsten	Hefner	Hoagland	Von Minden
Warner				

COMMUNICATION

May 4, 1983

The Honorable Allen Beermann
Secretary of State
State of Nebraska
Room 2300
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the line-item veto by Governor Kerrey on LB 602, I am delivering the bill for filing in the form and amounts as approved by the Governor.

Very truly yours,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/pb
Enclosure
c.c. Governor Robert Kerrey

SPEAKER'S ANNOUNCEMENT

May 4, 1983

Senator Vard Johnson, Chairperson
Reference Committee
Room 2108
State Capitol Building
Lincoln, Nebraska 68509

RE: Resolution 87

Dear Senator Johnson:

Pursuant to the authority vested in me as Speaker, regarding the referral of Resolutions to a Committee for a hearing, I hereby send to the Reference Committee LR 87, dealing with the Merchant Marine Act of 1936. I forward this to your Committee for referral to the appropriate standing committee for public hearing.

Should you have questions or comments, please don't hesitate to contact me.

Sincerely,
(Signed) William E. Nichol
Speaker of the Legislature

WEN:tle
cc. Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Messrs. Newell and V. Johnson asked unanimous consent to print the following amendment to LB 17 in the Journal. No objections. So ordered.

AM1351

1. In the Beutler and DeCamp amendment,
adopted on April 28, (a) on page 1, strike lines 19
through 23, (b) on page 2, strike lines 1 through 10,
and (c) renumber the remaining amendments.

VISITORS

Visitors to the Chamber were 30 fourth graders, teacher, and sponsors from Marton Elementary School, Hastings; 26 fourth grade students, teacher, and sponsors from Central Elementary School, Blair; 31 fifth grade students and teachers from Edison School, York; 41 fourth grade students and teachers from Bloomfield School, Ralston; and 14 fourth grade students and teachers from Park School, Lincoln.

RECESS

At 12:09 p.m., on a motion by Mr. Jacobson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Mr. Hoagland who was excused; and Messrs. Beyer, Carsten, Cullan, Fenger, Hefner, Landis, Newell, Warner, and Mrs. Higgins who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. Wiitala asked unanimous consent to print the following amendment to LB 234 in the Journal. No objections. So ordered.

AM1390

(Amendments to Final Reading Second)

1. On page 6, strike beginning with the comma in line 23 through "Vehicles" in line 24.

2. On page 9, line 20, strike the first "and"; and in line 21 after "investigation" insert ", and to defray department expenses arising pursuant to sections 3 to 13 of this act including those incurred for printing and distribution of forms, personal services, hearings, and similar administrative functions".

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 412. With Emergency.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-305.03, 60-1306, and 66-410.03, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to a fee as prescribed; to change certain provisions relating to registration; to change provisions relating to trip permits 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, 38:

Abboud	Barrett	Chambers	Chronister	Clark
DeCamp	Eret	Fowler	Goll	Goodrich
Haberman	Hannibal	Jacobson	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Lamb
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Vickers	Von Minden	Wagner
Wesely	Wiitala	Withem		

Voting in the negative, 0.

Present and not voting, 2:

Beutler Sieck

Excused and not voting, 9:

Beyer	Carsten	Cullan	Fenger	Hefner
Higgins	Hoagland	Landis	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 498. With Emergency.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend sections 71-1903, 71-2022, 81-503, and 81-528, Reissue Revised Statutes of Nebraska, 1943, and section 81-502, Revised Statutes Supplement, 1982; to provide the State Fire Marshal with certain inspection duties; to provide a fee schedule; to allow the Department of Health to request certain inspections; to change provisions relating to inspections; to require uniforms; to permit inspection of certain liquor licensees; 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:

Abboud	Barrett	Beutler	Carsten	Chambers
Chronister	Clark	DeCamp	Eret	Fenger
Fowler	Goll	Goodrich	Haberman	Hannibal
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 0.

Excused and not voting, 6:

Beyer	Cullan	Hefner	Higgins	Hoagland
Landis				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 174.

A BILL FOR AN ACT to amend sections 37-216.02 to 37-216.09, Reissue Revised Statutes of Nebraska, 1943, relating to game and parks; to establish a requirement for trout stamps; to provide a fee; to provide powers and duties for the Game and Parks Commission; to provide penalties; to provide an affirmative defense; 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, 39:

Abboud	Barrett	Beutler	Carsten	Chronister
DeCamp	Eret	Fenger	Fowler	Goll
Goodrich	Hannibal	Jacobson	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Wagner
Warner	Wesely	Wiitala	Withem	

Voting in the negative, 5:

Chambers	Clark	Haberman	Lamb	Von Minden

Excused and not voting, 5:

Beyer	Cullan	Hefner	Higgins	Hoagland

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Withdraw Motion on LB 209

Mr. Chambers asked unanimous consent to withdraw his pending motion to return LB 209 to Select File for his specific amendment found in the Journal on page 1556. No objections. So ordered.

MOTION - Return LB 209 to Select File

Mr. Chambers moved to return LB 209 to Select File for the following specific amendment:

Third Final Reading Copy

Page 2 strike new language starting in line 11, through "examiners" in line 18.

Mr. Chambers requested a record vote on his motion to return.

Voting in the affirmative, 15:

Abboud	Beutler	Carsten	Chambers	Fowler
Hannibal	Higgins	Johnson, R.	Johnson, V.	Marsh
Morehead	Remmers	Sieck	Vickers	Withem

Voting in the negative, 23:

Barrett	Chronister	Clark	DeCamp	Goll
Goodrich	Haberman	Jacobson	Johnson, L.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Pappas	Peterson, H.	Peterson, R.	Pirsch	Rupp
Von Minden	Warner	Wiitala		

Present and not voting, 7:

Eret	Fenger	Newell	Nichol	Schmit
Wagner	Wesely			

Excused and not voting, 4:

Beyer Cullan Hefner Hoagland

The Chambers motion to return lost with 15 ayes, 23 nays, 7 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARING
Revenue

LR 70 Wednesday, May 11, 1983 12:00 Noon

(Signed) Calvin F. Carsten, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 100.

Introduced by DeCamp, 40th District.

PURPOSE: The purpose of this resolution is to study the feasibility of permission of the Legislature to allow political subdivisions to establish ownership and/or operation of a cable utility system (CATV). A review should be made of the number of states that allow public ownership and operation of a cable system.

Specific inquiry should be addressed to, among other things, the following topics:

(1) Services that will be available to consumers to a coaxial cable system other than TV entertainment;

(2) Cable legislation in other states such as rate regulation and public ownership;

(3) Review existing laws in Nebraska covering cable systems; and

(4) Review concerns with publicly owned media, (a) public t.v., (b) radio, and (c) public ownership of CATV and the First Amendment-right of free speech.

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

1. That the Public Works Committee shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 101.

Introduced by Wesely, 26th District.

WHEREAS, the safety of all Nebraskans is an important concern of the State Legislature; and

WHEREAS, the Eighty-sixth Legislature, First Session, passed LB 395, an act designed to give greater safety to pedestrians in crosswalks; and

WHEREAS, 1982 Department of Roads statistics show that 587 pedestrians were injured and 23 killed in auto-pedestrian accidents, indicative of the work that remains to be done in the area of pedestrian safety; and

WHEREAS, the Eighty-seventh Legislature, Second Session, passed LR 389, declaring Pedestrian Awareness Week in 1982; and

WHEREAS, the Pedestrian Safety Committee of Nebraska is attempting to encourage awareness of pedestrian safety in people of all ages; and

WHEREAS, the Pedestrian Safety Committee has designated September 4-10, 1983, as Pedestrian Awareness Week; and

WHEREAS, it is important that such efforts receive the endorsement and support of all Nebraskans.

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

1. That the Legislature supports the efforts of the Pedestrian Safety Committee of Nebraska.

2. That the Legislature declares September 4-10, 1983, to be Pedestrian Awareness Week in the State of Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 102.

Introduced by Fowler, 27th District.

PURPOSE: The purpose of this resolution is to study the feasibility of extending public radio service across the State of Nebraska.

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

1. That the Education Committee of the Legislature shall be designated to direct an interim study carried out by the Nebraska Educational Television Network engineers, in conjunction with existing public radio stations, pursuant to the purpose of this resolution.

2. That the Education Committee shall upon the conclusion of the study by the Nebraska Educational Television Network make a report

of the findings, together with recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Messrs. Vickers and Pappas asked unanimous consent to print the following amendment to LB 628 in the Journal. No objections. So ordered.

(Amendment to DeCamp Amendment AM1113)
PURPOSE:

To increase the General Fund support for the diagnostic laboratories at the Institute of Agriculture by $500,000.

On page 1 of AM1113 (Journal page 1468), in lines 7 and 8, strike "147,591,863" and insert "148,091,863".

Messrs. Vickers and Pappas asked unanimous consent to print the following amendment to LB 630 in the Journal. No objections. So ordered.

PURPOSE:

To decrease the FY1983-84 appropriation for the College of Veterinary Medicine by $500,000 in order to increase the General Fund support for the diagnostic laboratories at the Institute of Agriculture by $500,000.

On page 19, in line 7, strike "827,000" and insert "327,000".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 610.

Correctly Engrossed

The following bills were correctly engrossed: 18, 18A, and 524.

(Signed) Rod Johnson, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 433, 192, 412, 498, and

174.

MOTION - Return LB 209 to Select File

Mr. Vickers moved to return LB 209 to Select File for the following specific amendment:

Page 2, line 18, following "examiners" insert except to the extent that compelling and mitigating circumstances exist which would make such rule unjust"

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 33 ayes, 1 nay, and 15 not voting.

Mr. Vickers requested a roll call vote on his motion to return.

Voting in the affirmative, 19:

Abboud	Beutler	Carsten	Chambers	DeCamp
Fowler	Haberman	Hannibal	Johnson, R.	Landis
Marsh	Morehead	Remmers	Rupp	Schmit
Sieck	Vickers	Wesely	Withem	

Voting in the negative, 25:

Barrett	Chronister	Clark	Eret	Fenger
Goll	Goodrich	Higgins	Jacobson	Johnson, L.
Kahle	Kilgarin	Labedz	Lamb	Lundy
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Von Minden	Wagner	Warner	Wiitala

Absent and not voting, 1:

Johnson, V.

Excused and not voting, 4:

Beyer	Cullan	Hefner	Hoagland

The Vickers motion to return lost with 19 ayes, 25 nays, 1 absent and not voting, and 4 excused and not voting.

MOTION - Bracket LB 209

Mr. Chambers moved to bracket LB 209 until Wednesday, May 10.

Messrs. V. Johnson, Vickers, and Mrs. Labedz asked unanimous consent to be excused until they return. 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.

Mr. Chambers requested a roll call vote on his motion to bracket.

Voting in the affirmative, 23:

Abboud	Barrett	Beutler	Carsten	Chambers
Eret	Fowler	Hannibal	Johnson, R.	Johnson, V.
Kilgarin	Landis	Marsh	Morehead	Newell
Remmers	Rupp	Schmit	Sieck	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 16:

Chronister	Clark	DeCamp	Goll	Goodrich
Haberman	Jacobson	Johnson, L.	Lamb	Lundy
Nichol	Pappas	Peterson, H.	Peterson, R.	Von Minden
Wagner				

Present and not voting, 3:

Fenger	Higgins	Pirsch

Absent and not voting, 1:

Kahle

Excused and not voting, 6:

Beyer	Cullan	Hefner	Hoagland	Labedz
Vickers				

The Chambers motion to bracket lost with 23 ayes, 16 nays, 3 present and not voting, 1 absent 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 209.

A BILL FOR AN ACT to amend sections 79-4,176, 79-4,180, 79-4,198, and 79-4,203, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to authorize certain rules; to provide criteria for imposing a certain sanction; to provide an additional act which constitutes grounds for suspension, reassignment, or expulsion of students; to change provisions relating to the appeal of a decision; to change a provision relating to judicial review 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, 33:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	DeCamp	Eret	Fenger	Fowler
Goll	Goodrich	Haberman	Hannibal	Higgins
Jacobson	Johnson, L.	Kahle	Kilgarin	Lamb
Landis	Lundy	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Von Minden
Wagner	Warner	Wiitala		

Voting in the negative, 9:

Chambers	Johnson, R.	Johnson, V.	Remmers	Rupp
Schmit	Sieck	Wesely	Withem	

Present and not voting, 2:

Beutler Marsh

Excused and not voting, 5:

Cullan	Hefner	Hoagland	Labedz	Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTION

LEGISLATIVE RESOLUTION 103.

Introduced by Goodrich, 20th District.

WHEREAS, LB 410, enacted by the Eighty-eighth Legislature,

First Session, creates a University Building Renovation and Land Acquisition Fund, into which funds will be deposited from proceeds of the cigarette tax each fiscal year 1984-85 through 1994-95; and

WHEREAS, such money is to be used for building repair, renovation, and land acquisition projects; and

WHEREAS, LB 410 authorizes the Board of Regents to make expenditures from this Fund for the renovation of Bessey Hall and Architectural Hall on the UNL Campus; and

WHEREAS, LB 410 also authorizes the Board of Regents to undertake similar renovation and land acquisition projects not specifically included among those listed in Section 4, with the specific approval of the Legislature; and

WHEREAS, there is an urgent need for a new climate control system for Morrill Hall on the UNL Campus for the preservation of the many museum exhibits included therein.

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

1. That the renovation of Morrill Hall on the UNL Campus, as may be designated by the Board of Regents, is hereby specifically approved as the next priority project on this campus.

2. That the interest accruing from the sale of the revenue bonds under LB 410 acredited to the UNL Campus is hereby authorized for expenditure by the Board of Regents for the Morrill Hall project.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 118 in the Journal. No objections. So ordered.

AM1402

(Amendments to AM1346)

1. On page 1, line 3, after "1982," insert "as amended by section 1, Legislative Bill 72, Eighty-eighth Legislature, First Session, 1983,".

2. On page 3, line 14, strike the second comma and show as stricken.

3. On page 4, line 22, after the second "trucks" insert ", including combinations of trucks or truck-tractors and trailers or semitrailers,".

4. On page 5, ine 6, after the stricken "farm" insert "~~, and beginning when new plates are issued pursuant to section 60- 311 after the effective date of this act, the words NOT FOR HIRE~~".

5. On page 21, line 7, strike "word Nebraska"; in line 11 strike the second "and"; in line 12 strike "60-311.01" and insert "60-311.11"; in line 14 strike "60-301,"; and in line 15 before the period insert "; and in line 12 after '1982,' insert 'and section 60-301, as amended by section 1, Legislative Bill 72, Eighty-eighth Legislature, First Session, 1983,' ".

6. On page 22, line 2, after the underscored period insert "On license plates issued for use on farm trucks there shall be displayed, in addition to the number and words required by subdivision (1) of this section, the words not for hire.".

7. Strike the Hannibal amendment adopted May 3.

Messrs. Wesely and Warner asked unanimous consent to print the following amendment to LB 618 in the Journal. No objections. So ordered.

AM1361

1. Insert the following new sections:

"Sec. 2. That section 68-1019, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1019. Medical assistance on behalf of recipients shall be paid directly to vendors. ~~On behalf of recipients over sixty- five years of age, medical assistance shall include care in an institution for mental diseases.~~ On behalf of all ~~recipients~~ individuals who are eligible to receive aid to dependent children assistance or aged, blind, or disabled assistance and for whom eligibility for medical assistance is mandatory under Title XIX of the Social Security Act, medical assistance shall include ~~other~~ inpatient and outpatient hospital ~~care~~ services, rural health clinic services, laboratory and X-ray services, ~~nursing home services, care home services, home health care services, nursing services, clinic services,~~ skilled nursing facility services for individuals twenty- one years of age or older, home health services to individuals entitled to skilled nursing facility services, early and periodic screening, diagnosis, and treatment for individuals under the age of twenty- one, family planning services, and services of ~~practitioners~~ physicians licensed by the Department of Health. ~~, and~~

~~such drugs, appliances, and health aids as may be prescribed by practitioners licensed by the Department of Health.~~ The Director of Public Welfare may also provide for, under the authority provided in section 68-1021, such additional services and eligibility as are optional under Title XIX of the Social Security Act.

Sec. 3. Under the authority provided in section 68-1021, the Director of Social Services may:

(1) Enter into exclusive or nonexclusive contracts on a bid or negotiated basis with manufacturers, distributors, dispensers, or suppliers of drugs, appliances, durable medical equipment, medical supplies, and other product-type health care services and laboratories for the purpose of obtaining the most favorable prices to the state and ensuring adequate quality of the product or service. The department shall submit a report to the Legislature demonstrating the cost-effectiveness of all such contracts;

(2) Adopt a schedule of copayments or deductibles for nonemergency services provided in any hospital or emergency room, prescription drugs, eyeglasses, hearing aids, dental services, chiropractic services, medical supplies and equipment, dentures, and podiatrist services. Such copayments or deductibles shall not apply to any person eighteen years of age or under, any woman receiving prenatal care, a resident of a skilled nursing or intermediate care facility, family planning services, and emergency services. The copayment or deductible amounts set by the department may be collected and retained or waived by the provider;

(3) Contract with individual physicians, groups of physicians, or other providers to provide services to medical assistance recipients. Such contracts may include provisions which promote case management, provide for alternate methods of payment, including, but not limited to, a negotiated reimbursement rate, fee-for-service, retainer, or other basis, and encourage group practices with hospitals having low unit costs;

(4) Negotiate rates, terms, and conditions of contracts with hospitals for inpatient services for medical assistance recipients. Such negotiated contracts may be on a nonbid or bid basis;

(5) Negotiate rates, terms, and conditions of contracts with intermediate care facilities, skilled

care facilities, and intermediate care facilities for the mentally retarded for long- term care services for medical assistance recipients. Such negotiated contracts may be on a nonbid or bid basis; and

(6) Establish a program of family assistance whereby children over the age of twenty- one years may make contributions, as determined by departmental regulation, toward the cost of programs provided by the department.

The director's authority shall not be limited to the powers enumerated in this section.".

2. In the Standing Committee Amendment on page 1, line 3, strike "2" and insert "4", and strike "Section" and insert "section 68-1019, Reissue Revised Statutes of Nebraska, 1943, and section"; in line 4 strike "is" and insert "and also section 68-127, Reissue Revised Statutes of Nebraska, 1943, are"; in line 6 after "section" insert "68-1019, Reissue Revised Statutes of Nebraska, 1943, and section"; in lines 7 and 8 strike "the Department of Public Welfare" and insert "public assistance"; and in line 9 after the first semicolon insert "to change provisions relating to medical assistance as prescribed; to eliminate a provision relating to payment for care;", and strike "section" and insert "sections and also section 68-127, Reissue Revised Statutes of Nebraska, 1943,".

3. Renumber remaining sections accordingly.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 209.

GENERAL FILE

LEGISLATIVE BILL 429. Title read. Considered.

Standing Committee amendments, AM0623, found in the Journal on page 921 for the Forty-Third Day were considered.

Mr. Remmers renewed his pending amendment found in the Journal on page 1841 to the Standing Committee amendments.

The Remmers amendment was adopted with 14 ayes, 0 nays, 30 present and not voting, and 5 excused and not voting.

Mr. Remmers moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Remmers asked unanimous consent to withdraw his pending amendment, AM0438, found in the Journal on page 682. No objections. So ordered.

Mr. Wesely moved to indefinitely postpone LB 429.

Messrs. Schmit, Chambers, and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 13 ayes, 5 nays, and 31 not voting.

Mr. H. Peterson 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. Wesely moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Wesely requested a roll call vote on his motion to indefinitely postpone LB 429.

Voting in the affirmative, 10:

Abboud	Fowler	Johnson, V.	Kahle	Landis
Marsh	Vickers	Warner	Wesely	Wiitala

Voting in the negative, 30:

Barrett	Beyer	Carsten	Chronister	Clark
DeCamp	Eret	Fenger	Goll	Goodrich
Hannibal	Jacobson	Johnson, L.	Johnson, R.	Kilgarin
Lamb	Lundy	Morehead	Newell	Nichol

Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Sieck	Von Minden	Wagner	Withem

Present and not voting, 2:

Beutler Higgins

Excused and not voting, 7:

Chambers	Cullan	Haberman	Hefner	Hoagland
Labedz	Schmit			

The Wesely motion to indefinitely postpone lost with 10 ayes, 30 nays, 2 present and not voting, and 7 excused and not voting.

MESSAGE FROM THE SECRETARY OF STATE

May 4, 1983

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

Dear Mr. O'Donnell:

I acknowledge herewith your letter of May 4 and Reengrossed Legislative Bill 602, along with Governor Kerrey's line item veto message dated April 29.

Insasmuch as the Legislature did not override the line item vetoes by Governor Kerrey on LB 602 and the bill has been sent to my office, please be informed that it was received and filed in my office on May 4 at 12:35 p.m. and has been made a part of the public record in this office.

Inasmuch as LB 602 carried the emergency clause, it will become effective and operative as provided by law.

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

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 17. Placed on Select File as amended.

E & R amendments to LB 17:
AM5152
1. On page 1, line 1, strike "section" and insert "sections" and after "77-2702" insert "and 77-2703"; in line 3 after "to" insert "define and"; and in line 4 after the semicolon insert "to change a provision relating to the sales and use tax;" and strike "section" and insert "sections".
2. On page 20, line 23, strike "is" and insert "are".
3. In the Buetler-DeCamp amendment, AM1327, on page 1, line 12, strike "or" and insert "of"; and in line 22 strike "existing" and insert "exist".

LEGISLATIVE BILL 356A. Placed on Select File.

LEGISLATIVE BILL 604. Placed on Select File as amended.
E & R amendments to LB 604:
AM5153
1. In the Carsten amendment, AM1340: (a) On page 2, line 14, strike "to" and insert "for"; and in line 15 after "sizes" insert an underscored comma; (b) on page 6, line 23, strike the underscored comma; (c) on page 8, line 26, strike beginning with "legal" through "Every" and insert "every"; (d) on page 9, line 3, after "county" insert an underscored comma; (e) on page 10, line 10, after "die" insert an underscored comma; in line 14 after "person" insert an underscored comma; in line 15 strike the underscored comma; and in line 19 strike the underscored comma and after "assurance" insert "shall"; and (f) on page 14, line 9, after the last comma insert "and original Laws 1982, LB 602, section 6,"; in line 11, after the second comma insert "and Laws 1982,"; and in line 12 strike "Eighty-seventh Legislature, Second Session,".
2. On page 1, strike lines 1 through 4 and insert:
"FOR AN ACT relating to public welfare; to amend sections 68-104, 68-717, and 68-1022, Revised Statutes Supplement, 1982, and Laws 1982, Legislative Bill 602, section 6; to provide for a county program for general assistance as prescribed; to provide powers and duties; to provide for a hearing procedure; to harmonize provisions; to change provisions relating to medical assistance as prescribed; to change an

operative date; to provide an operative date; to repeal the original sections, and also sections 68-103, 68-105, 68-109, and 68-110, Revised Statutes Supplement, 1982, and Laws 1982, Legislative Bill 522, sections 20, 24, 25, and 26; and to declare an emergency.".

LEGISLATIVE BILL 210. Placed on Select File as amended.
E & R amendment to LB 210:
AM5154

1. On page 1, line 6, after the semicolon insert "to create funds; to provide duties; to provide an operative date;".

LEGISLATIVE BILL 244. Placed on Select File as amended.
E & R amendment to LB 244:
AM5155

1. On page 6, line 16, strike "(13)", show as stricken, and insert "(14)".

LEGISLATIVE BILL 411. Placed on Select File as amended.
E & R amendments to LB 411:
AM5150

1. On page 2, line 5 after "(i)" insert "that"; in line 10, after "impact" insert an underscored comma and strike the semicolon and insert an underscored comma; in line 11 after "(iii)" insert "that"; in line 17 strike "a" and insert "A"; and in line 24 strike "those" and insert "such".

2. On page 3, line 1, strike "(b)", show as stricken; and insert "(c)"; in line 10 strike the semicolon, show as stricken, and insert an underscored period; in line 11 strike "(c)", show as stricken, and insert "(d)"; in line 12 strike "; and", show the old matter as stricken and insert an underscored period; and in line 13 strike "(d)", show as stricken, and insert "(e)".

3. On page 5, line 5, strike "fencer" and insert "fender".

LEGISLATIVE BILL 253. Placed on Select File as amended.
E & R amendments to LB 253:
AM5151

1. On page 1, line 1, strike "60-507, 60-508," and after "60-509" insert "and 60-534"; strike line 2; in line 4 strike "sections 60-302 and" and

insert "section"; strike beginning with the first "to" in line 6 through the semicolon in line 7; strike beginning with "to" in line 8 through the second semicolon in line 11; and strike beginning with the first comma in line 13 throught "1943" in line 15.

2. In the DeCamp amendment (2) on page 1843 of the Journal, line 2, strike "Section" and insert "Sec." and strike "Sections " and insert "sections"; and in line 3 strike "also Section" and inset "section".

(Signed) Rod Johnson, Chairperson

NOTICE OF COMMITTEE HEARING
Business and Labor

State Labor Contracts, Wednesday, May 11, 1983 12:30 p.m.

(Signed) Bill Barrett, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 336 in the Journal. No objections. So ordered.

AM1412

1. In the Pappas amendment, AM1400,
(a) On page 11, strike beginning with the underscored comma in line 3 through "tickets" in line 4.
(b) On page 18, strike beginning with the underscored comma in line 7 through "tickets" in line 8.

RESOLUTION

LEGISLATIVE RESOLUTION 104.

Introduced by Fenger, 45th District; R. Peterson, 21st District; Barrett, 39th District.

PURPOSE: The purpose of this resolution is to review optional Medicaid services paid by the state and investigate eligibility requirements.

A study is needed because (1) the annual increase in health care costs is rising in excess of the rate of increase in the consumer price index, (2) Medicaid costs for the State of Nebraska have shown a fifty per cent increase in expenditures during the four year period from 1978 to 1981, (3) the economy, both nationally and in the State of Nebraska,

has put health care costs out of the financial reach of certain segments of the population and has imposed a tremendous burden on the taxpayer, and (4) the State of Nebraska has a statutory duty to provide health care for the dependent child, the elderly adult, the blind, and the disabled.

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

1. That the Public Health and Welfare Committee shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall review all optional Medicaid services currently provided by the state and determine which, if any, may be eliminated.

3. That the committee shall investigate the eligibility requirements for individuals qualified for the state Medicaid program to assure that only those truly in need are recipients.

Referred to the Executive Board.

UNANIMOUS CONSENT - Member Excused

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 617 to Select File

Mr. R. Peterson moved to return LB 617 to Select File for his pending specific amendment found in the Journal on page 1757.

Mr. R. Peterson moved for a Call of the House. The motion prevailed with 11 ayes, 2 nays, and 36 not voting.

The R. Peterson motion to return prevailed with 26 ayes, 5 nays, 11 present and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

SELECT FILE

LEGISLATIVE BILL 617. The R. Peterson pending specific amendment found in the Journal on page 1757 was adopted with 26 ayes, 6 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 617 to Select File

Mr. Schmit moved to return LB 617 to Select File for his pending specific amendment, AM1370, found in the Journal on page 1924.

The Schmit motion to return prevailed with 27 ayes, 4 nays, 11 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 617. The Schmit specific amendment, AM1370, found in the Journal on page 1924 was adopted with 26 ayes, 9 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 617 to Select File

Mr. Chambers moved to return LB 617 to Select File for his pending specific amendment, AM1195, found in the Journal on page 1756.

Mr. Clark asked unanimous consent to be excused. No objections. So ordered.

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 motion to return.

Voting in the affirmative, 19:

Beyer	Carsten	Chambers	DeCamp	Eret
Goll	Higgins	Johnson, V.	Marsh	Newell
Nichol	Pappas	Peterson, R.	Schmit	Sieck
Vickers	Von Minden	Wesely	Withem	

Voting in the negative, 23:

Abboud	Barrett	Beutler	Chronister	Fenger
Fowler	Goodrich	Hannibal	Jacobson	Johnson, L.
Kahle	Kilgarin	Lamb	Landis	Lundy
Morehead	Peterson, H.	Pirsch	Remmers	Rupp
Wagner	Warner	Wiitala		

Excused and not voting, 7:

Clark	Cullan	Haberman	Hefner	Hoagland
Johnson, R.	Labedz			

The Chambers motion to return lost with 19 ayes, 23 nays, and 7 excused and not voting.

The Chair declared the Call raised.

Mr. Newell moved to return LB 617 to Select File for his following specific amendment:

To Sunset the Fee increases proposed in the Schmit amendment effective July 1, 1985.

The Newell motion to return lost with 10 ayes, 15 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Chambers moved to return LB 617 to Select File for the following specific amendment:

Strike Schmit amendment.

Mr. Chronister asked unanimous consent to be excused. No objections. So ordered.

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Mr. Chambers requested a roll call vote on his motion to return.

Voting in the affirmative, 24:

Abboud	Beyer	Chambers	Eret	Fenger
Fowler	Goll	Hannibal	Higgins	Jacobson
Johnson, L.	Lamb	Landis	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Sieck	Vickers	Von Minden	

Voting in the negative, 18:

Barrett	Beutler	Carsten	DeCamp	Goodrich
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Lundy
Marsh	Rupp	Schmit	Wagner	Warner
Wesely	Wiitala	Withem		

Excused and not voting, 7:

Chronister Clark Cullan Haberman Hefner
Hoagland Labedz

The Chambers motion to return lost with 24 ayes, 18 nays, and 7 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 628 in the Journal. No objections. So ordered.

AM1411

1. Insert the following new sections:

"Sec. 92. (1) The Legislature hereby finds that (a) in some instances political subdivisions have added programs or services as a result of state action and have not received any additional assistance from the state to aid them in meeting these new responsibilities, and (b) the limitation placed on the budgets of political subdivisions has made it difficult for the political subdivisions to continue to provide all the necessary programs and services.

(2) It is the responsibility of the Legislature to provide laws which promote uniform and equitable taxation. The Legislature is responsible for providing a state tax system and has the right to apportion the impact of such tax system in any manner that is consistent with the application of appropriate laws which reflect property values, personal income, and other economic activities. The Legislature hereby finds that the best interests of the state are served by providing uniform property tax relief based on the value of all property and the Legislature's choice to provide a shift in tax burden from property to sales and income is a legitimate and proper function of the Legislature.

(3) Sections 92 to 96 of this act do not purport to reimburse political subdivisions for losses due to certain personal property tax exemptions, but provide state financial assistance through property tax relief to various political subdivisions of the State of Nebraska.

Sec. 93. For fiscal year 1983-84 and each fiscal year thereafter the Legislature shall appropriate one thousand dollars from the General Fund to a special

fund, to be known as the Political Subdivision Property Tax Relief Fund, which fund is hereby created. Any money in such fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 94. For fiscal year 1983-84 and each fiscal year thereafter each county shall receive an amount from the Political Subdivision Property Tax Relief Fund based on the percentage figure obtained by dividing the actual valuation of real and personal property in the county by the actual valuation of real and personal property in the state based on the values stated in the most recent certificate of taxes levied pursuant to section 77-628. The Tax Commissioner shall determine the amount to be distributed to the various counties for distribution to the political subdivisions within such county and shall certify such amounts to the Director of Administrative Services. Each amount shall be distributed in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning December 5, 1983, and each December 5 thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification, draw warrants against funds appropriated.

Out of the amount of funds distributed to a county under this section, the county treasurer shall retain one per cent therof and then shall distribute the remainder to each of the political subdivisions within his or her county as set forth in section 95 of this act.

Sec. 95. Each political subdivision or portion of a political subdivision within a county, including the county itself, with authority to levy a tax or cause a tax to be levied shall receive a share of the funds distributed to the county in an amount equivalent to the percentage figure obtained by dividing the amount of property tax levied within the county by the political subdivision during the prior calendar year by the total amount of property tax levied within the county by all political subdivisions during the prior calendar year. Such amount shall be distributed by the

county treasurer in seven as nearly as possible equal monthly payments beginning December 5, 1983, and each December 5 thereafter.

Sec. 96. (1) If two or more political subdivisions within a county are merged, the share such newly merged political subdivision shall receive shall be the sum of the receipts each individual political subdivision would have received had there been no merger.

(2) If a political subdivision authorized to levy a tax or cause a tax to be levied is newly created, such political subdivision shall receive, commencing the first year such levy generates tax receipts, a share of the funds distributed to political subdivisions within a county computed pursuant to sections 92 to 96 of this act.

Sec. 97. There is hereby appropriated one thousand dollars from the General Fund for the period July 1, 1983, to June 30, 1984, to the Political Subdivision Property Tax Relief Fund.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

2. Renumber remaining sections accordingly.

Mr. Fenger asked unanimous consent to print the following amendment to LB 628 in the Journal. No objections. So ordered.

AM1401

1. Insert the following new section:

"Sec. There is included in the appropriation to each agency, board, commission, and other public bodies other than the University of Nebraska the equivalent of an average salary increase of two and one half per cent for state employees effective July 1, 1983.".

2. Motion: The E & R attorney in cooperation with the Legislative Fiscal Office shall adjust appropriate numbers in LB 628 for all agencies, boards, commissions, and other public bodies other than the University of Nebraska to reflect this amendment.

Messrs. DeCamp, Clark, Remmers, Vickers, and Sieck asked unanimous consent to print the following amendment to LB 343 in the Journal. No objections. So ordered.

AM1404

(Amendments to Final Reading Copy)

1. On page 1, line 3, strike the last comma and insert "to"; and in line 6 after the semicolon insert "to change the location of certain filings; to provide duties for the Director of Agriculture;".

2. Insert a new section as follows:

"Sec. 12. That section 9-402, Uniform Commercial Code, be amended to read as follows: Uniform Commercial Code, Cumulative Supplement 1982.

9-402. Formal requisites of financing statement; amendments; mortgage as financing statement.

(1) A financing statement may be in a form prescribed by the ~~Secretary of State~~ Director of Agriculture and is sufficient if it gives the names of the debtor and the secured party, is signed by the debtor, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and contains a statement indicating the types, or describing the items, of collateral. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. When the financing statement covers crops growing or to be grown, the statement must also contain a description of the real estate concerned. When the financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 9-103, or when the financing statement is filed as a fixture filing (section 9-313) and the collateral is goods which are or are to become fixtures, the statement must also comply with subsection (5). A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by the debtor. A carbon, photographic or other reproduction of a security agreement or a financing statement is sufficient as a financing statement if the security agreement so provides or if the original has been filed in this state.

(2) A financing statement which otherwise complies with subsection (1) is sufficient when it is signed by the secured party instead of the debtor when it is filed to perfect a security interest in

(a) collateral already subject to a security

interest in another jurisdiction when it is brought into this state, or when the debtor's location is changed to this state. Such a financing statement must state that the collateral was brought into this state or that the debtor's location was changed to this state under such circumstances; or

(b) proceeds under section 9-306 if the security interest in the original collateral was perfected. Such a financing statement must describe the original collateral; or

(c) collateral as to which the filing has lapsed; or

(d) collateral acquired after a change of name, identity or corporate structure of the debtor (subsection (7)).

(3) The ~~Secretary of State~~ Director of Agriculture shall prescribe a form substantially as follows to comply with subsection (1):

Name of debtor (or assignor) .....

Address.....

Name of secured party (or assignee) .....

Address.....

1. This financing statement covers the following types (or items) of property:

(Describe)

.....

2. (If collateral is crops) The above described crops are growing or are to be grown on:

(Describe real estate) .....

3. (If applicable) The above goods are to become fixtures on (Describe real estate) ..... and this financing statement is to be filed for record in the real estate records. (If the debtor does not have an interest of record) The name of a record owner is ..... .

4. (If products of collateral are claimed) Products of the collateral are also covered. Signature of debtor (or assignor) ..... Signature of secured party (or assignee) .....

(4) A financing statement may be amended by filing a writing signed by both the debtor and the secured party. An amendment does not extend the period of effectiveness of a financing statement. If any

amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment. The uniform fee for filing and indexing and for stamping a copy furnished by the secured party to show the date and place of filing for an amendment shall be three dollars plus in each case an additional fee of three dollars for each name more than one against which the amendment is required to be indexed. In this article, unless the context otherwise requires, the term "financing statement" means the original financing statement and any amendments.

(5) A financing statement covering timber to be cut or covering minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 9-103, or a financing statement filed as a fixture filing (section 9-313) where the debtor is not a transmitting utility, must show that it covers this type of collateral, must recite that it is to be filed for record in the real estate records, and the financing statement must contain a description of the real estate sufficient if it were contained in a mortgage of real estate to give constructive notice of the mortgage under the law of this state. If the debtor does not have an interest of record in the real estate, the financing statement must show the name of a record owner.

(6) A mortgage is effective as a financing statement filed as a fixture filing from the date of its recording if (a) the goods are described in the mortgage by item or type, (b) the goods are or are to become fixtures related to the real estate described in the mortgage, (c) the mortgage complies with the requirements for a financing statement in this section other than a recital that it is to be filed in the real estate records, and (d) the mortgage is duly recorded. No fee with reference to the financing statement is required other than the regular recording and satisfaction fees with respect to the mortgage.

(7) A financing statement sufficiently shows the name of the debtor if it gives the individual, partnership or corporate name of the debtor, whether or not it adds other trade names or the names of the partners. Where the debtor so changes his or her name or in the case of an organization its name, identity or corporate structure that a filed financing statement becomes seriously misleading, the filing is not

effective to perfect a security interest in collateral acquired by the debtor more than four months after the change, unless a new appropriate financing statement is filed before the expiration of that time. A filed financing statement remains effective with respect to collateral transferred by the debtor even though the secured party knows of or consents to the transfer.

(8) A financing statement substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading.".

3. On page 3, lines 17 and 21; page 4, line 12; page 5, lines 2 and 23; page 6, line 6; page 7, line 17; page 8, lines 17 and 23; page 9, lines 8 and 9; page 18, lines 19, 20, and 22; page 19, line 27; and page 20, lines 3 and 4, strike "Secretary of State" and insert "Director of Agriculture".

4. On page 13, line 9; and page 14, lines 2 and 3, strike "Secretary of State", show as stricken, and insert "Director of Agriculture".

5. On page 21, line 26, strike the second comma and insert "to".

6. Renumber remaining sections accordingly.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 4, 1983, at 4:02 p.m., were the following bills: 209, 433, 412, 498, and 174.

(Signed) Pamela Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Member Excused

Mrs. Higgins asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 146. Title read. Considered.

Standing Committee amendments, AM0763, found in the Journal on page 1024 for the Forty-Seventh Day were considered.

Mrs. Pirsch renewed her pending amendment, AM1101, found in the Journal on page 1488 to the Standing Committee amendments.

The Pirsch amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

The Standing Committee amendments, as amended, 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 28 ayes, 1 nay, 12 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Withdraw Name on LB 269

Mr. Chambers asked unanimous consent to withdraw his name as co-introducer to LB 269. No objections. So ordered.

VISITORS

Visitors to the Chamber were Mr. Hannibal's mother, Lois Hannibal, and his aunts, Marjorie Heath and Mary Louise Pattavina from Omaha; Opal Ingwerson from Lincoln; 23 seniors and teacher from Weeping Water; 18 third and fourth grade students and teacher from Bruning; and 28 sixth grade students and teachers from Henderson Community School, Henderson.

ADJOURNMENT

At 5:39 p.m., on a motion by Mrs. Pirsch, the Legislature adjourned until 8:30 a.m., Thursday, May 5, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-SEVENTH DAY - MAY 5, 1983

LEGISLATIVE JOURNAL

SEVENTY-SEVENTH DAY - MAY 5, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

SEVENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 5, 1983

Pursuant to adjournment, the Legislature met at 8:32 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Rev. Larry McGill, Chaplin of Union College, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mesdames Higgins and Labedz who were excused; and Messrs. Chambers, Cullan, Fowler, Hoagland, V. Johnson, Newell, Wiitala, Miss Kilgarin, Mesdames Morehead, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1954, after line 13, insert "The Haberman-Vickers motion lost with 16 ayes, 20 nays, 7 present and not voting, and 6 excused and not voting."
Page 1984, line 27, after "433" insert "192".
Page 1950, line 34, strike "12" insert "11".
The Journal for the Seventy-Sixth Day was approved as corrected.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 118A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 118, Eighty-eighth Legislature, First Session, 1983; and to declare an emergency.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Goodrich asked unanimous consent to have his name added as co-introducer to LB 269. No objections. So ordered.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

The Miscellaneous Subjects Committee reports favorably on the following gubernatorial appointment. The Committee recommends that the Legislature approve the appointment with a record vote.

Albert T. Davis - Nebraska Arts Council

Voting yes to recommend approval: Senators Barrett, Fenger, Hannibal, Lundy, and Newell. Voting no: None. Absent: Senators Hefner, V. Johnson, and Von Minden.

(Signed) Elroy Hefner, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 207.

A BILL FOR AN ACT relating to schools; to allow interdistrict school agreements for vocational services; to provide duties; and to allow an additional tax levy.

Whereupon the 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hannibal	Hefner
Jacobson	Johnson, L.	Johnson, R.	Kahle	Lamb
Landis	Lundy	Marsh	Nichol	Pappas
Peterson, H.	Peterson, R.	Remmers	Rupp	Schmit
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Withem			

Voting in the negative, 0.

Excused and not voting, 12:

Chambers	Cullan	Fowler	Higgins	Hoagland
Johnson, V.	Kilgarin	Labedz	Morehead	Newell
Pirsch	Wiitala			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 476. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to change provisions relating to the Board of Examiners in Pharmacy; to change provisions relating to examinations and licensing of pharmacists; to provide for professional development of pharmacists; to require inspections of pharmacies; to define and redefine terms; to create a committee; to permit hospital pharmacy technicians to perform certain functions; to change provisions relating to permits to conduct pharmacies; to provide duties for the Department of Health; to change provisions relating to drug production selection; to eliminate a provision which terminates the Board of Examiners in Pharmacy; to amend sections 71-113, 71-116, 71-130, 71-131, 71-140, 71-1,142, 71-1,143, 71-1,145, 71-1,147, 71-1,147.01, 71-1,147.03, 71-1,147.08, 71-1,147.09, 71-5401 to 71-5404, and 71-5407, Reissue Revised Statutes of Nebraska, 1943, and section 81-197, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 413, Eighty-eighth Legislature, First Session, 1983; 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:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	DeCamp	Eret	Fenger	Goll
Goodrich	Haberman	Hannibal	Hefner	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Lamb	Landis	Lundy	Marsh	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Wiitala
Withem				

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 7:

Chambers	Cullan	Fowler	Higgins	Kilgarin
Labedz	Morehead			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

ANNOUNCEMENT

Speaker Nichol announced today is Senator Hannibal's birthday.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 476A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 476, Eighty-eighth Legislature, First Session, 1983; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	DeCamp	Eret	Fenger	Goll
Goodrich	Haberman	Hannibal	Hefner	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Lamb	Landis	Lundy	Marsh	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Wiitala
Withem				

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 7:

Chambers Cullan Fowler Higgins Kilgarin
Labedz Morehead

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 93. Read. Considered.

LR 93 was adopted with 31 ayes, 0 nays, and 18 not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 207, 476, and 476A.

MESSAGE FROM THE GOVERNOR

May 4, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 236, 263, 266, 96, 108, 350, 579 and 579A were received in my office on April 28, 1983.

These bills were signed by me on May 4, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

GENERAL FILE

LEGISLATIVE BILL 615. Title read. Considered.

Standing Committee amendments, AM1260, found in the Journal on page 1715 for the Seventieth 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, 18 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Withdraw Amendment to LB 630

Mr. Warner asked unanimous consent to withdraw his pending amendment found in the Journal on page 1565 to LB 630. No objections. So ordered.

Messrs. Vickers and Pappas asked unanimous consent to withdraw their pending amendment found in the Journal on page 1962 to LB 630. No objections. So ordered.

MOTION - Return LB 630 to Select File

Mr. Warner moved to return LB 630 to Select File for the following specific amendment:
PURPOSE: To delete funding for State College miscellaneous renovations ($50,000), University of Nebraska miscellaneous renovations ($150,000) and University of Nebraska acquisition of computer equipment ($600,000); reallocate funding from the State Building Fund to the Nebraska Capital Construction Fund; and eliminate transfer of pari-mutual tax to the State Fair Board (+ $1,400,000 General Fund revenues).
AMENDMENT:
1. Strike original sections 13, 14, 17 and 45.
2. On page 13, line 25, strike the first "1,000,000" and insert "900,000", and strike the second "1,000,000" and insert "1,100,000".
3. Renumber original sections accordingly.

The Warner motion to return prevailed with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 630. The Warner specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 630 to Select File

Messrs. Vickers and Pappas moved to return LB 630 to Select File for the following specific amendment:
PURPOSE: To decrease the FY 1983-84 appropriation for the College of Veterinary Medicine by $500,000 in order to increase the General Fund support for diagnostic laboratories at the Institute of Agriculture by $500,000.
AMENDMENT:
On page 13, line 25, strike the first "1,000,000" and insert "500,000", strike the second "1,000,000" and insert "1,500,000"; on page 19, in line 7, strike "827,000" and insert "327,000".

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 0 nays, and 29 not voting.

Mr. Vickers moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Vickers requested a roll call vote on the motion to return.

Voting in the affirmative, 18:

Beutler	Beyer	Clark	Fowler	Hannibal
Hoagland	Johnson, R.	Johnson, V.	Landis	Marsh
Morehead	Pappas	Pirsch	Rupp	Sieck
Vickers	Wesely	Wiitala		

Voting in the negative, 25:

Abboud	Barrett	Carsten	Chronister	DeCamp
Eret	Goll	Goodrich	Haberman	Hefner
Jacobson	Johnson, L.	Kahle	Kilgarin	Lamb
Lundy	Newell	Nichol	Peterson, H.	Peterson, R.
Remmers	Von Minden	Wagner	Warner	Withem

Present and not voting, 1:

Fenger

Absent and not voting, 1:

Schmit

Excused and not voting, 4:

Chambers	Cullan	Higgins	Labedz

The Vickers-Pappas motion to return lost with 18 ayes, 25 nays, 1 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 105.

Introduced by Beyer, 3rd District.

WHEREAS, America's lifeline is its transportation system, allowing the unfettered movement of persons and property; and

WHEREAS, the quality of transportation services available in the United States from highways, rail, air, and water is unequalled elsewhere; and

WHEREAS, May 15-21 is National Transportation Week, an annual observance marking the role transportation plays in the lives of Americans; and

WHEREAS, Governor Robert Kerrey has proclaimed the week of May 15 as Transportation Week.

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

1. That the Legislature honors the transportation industry and encourages all Nebraskans to honor the transportation industry by observing Transportation Week from May 15-21, 1983.

Laid over.

LEGISLATIVE RESOLUTION 106.

Introduced by Beutler, 28th District.

Purpose:

The Nebraska Soil and Water Conservation Fund was created to provide funding for conservation practices to be put in place by individual landowners. The state provides 75% of the funds for putting the projects and practices in place and the landowner provides 25%. This program is administered by the Natural Resources Commission through the 24 Natural Resource Districts.

The purpose of this study is to determine the effectiveness of this program since the enactment of the Nebraska Water Conservation Act in 1977. In order to accomplish this purpose the following topics shall be studied:

(1) The nature and terms of the contractual agreements between the state and landowners.

(2) Compliance with the contractual agreements by landowners.

(3) The necessity of the 75% - 25% cost share formula.

(4) The nature and extent of conservation practices put in place by landowners with private funds.

(5) The extent to which the legal obligations to the contractual agreements run with the land.

(6) Administrative impediments to utilization of this fund.

(7) Differences in utilization of this fund by the various Natural Resource Districts.

(8) Any other matters necessary for a complete analysis of this issue.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 107.

Introduced by Beutler, 28th District.

PURPOSE: Our society is increasingly experiencing the impact of electronic computing devices. Science, industry and commerce have experienced an exponential growth in the use of high technology and these devices have made great changes in the lives of individual citizens. Further, much of our national defense system is dependent on sophisticated technological methods.

Our nation has long been a leader in science, industry and commerce. If this nation is to continue to experience leadership in these areas its citizens must be property trained in the use and development of these technologies.

The National Commission on Excellence in Education has recommended that at least one half year of computer education be required by the school systems of the nation. This study stated that all graduates should be capable of understanding and using computers for personal and vocational functions.

There is a need to determine the status of computer education in the public schools of the state of Nebraska. The purpose of this study is to assess the advisability of legislation in this area. In order to

accomplish this purpose the following topics shall be studied:

(1) Computer education curriculum in the primary and secondary schools of the state.

(2) The effectiveness of this curriculum in developing student proficiency in the use of this technology.

(3) Variances in computer curriculum based on geographical location in the state.

(4) Alternative systems of computer education, including:

(a) Systems used in other states; and

(b) Private sector training systems.

(5) The advantages and disadvantages of alternate systems.

(6) Cost of establishing effective computer science education in the state of Nebraska.

(7) The potential consequences on commerce and industry by enhancing computer education in the state.

(8) Any other matters necessary for a complete analysis of the issue.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 108.

Introduced by Goll, 16th District.

PURPOSE: The problem of the expansion of cult activity is one which affects Nebraska and the United States. Several cults are active in Nebraska. These cults exercise mind control over their recruits causing radical personality changes, as well as phsyciological changes. In response to cult activities, parents of recruits in Nebraska have undertaken rescue operations often at a tremendous financial cost and some risk of injury. Even after such a rescue, parents face a tremendously costly deprogramming effort which may or may not be successful and the possibility of lawsuits filed by the cult or their own child if the deprogramming effort fails.

The Norfolk Enrichment Center, Inc., located in Norfolk, Nebraska, is one of only three deprogramming centers in the United States. Yet, this center faces financial ruin because of lawsuits totaling millions of dollars filed against it.

The law in this area is very uncertain, because the rights of the family, the power and duties of the deprogramming center, the power of the State and the First Amendment Rights of the cult and its membership collide when a cult member is captured and deprogrammed.

This resolution is to study the problem of cults to determine:

(1) How widespread cult activity is in Nebraska?

(2) What rights the parents of cult members have to rescue their children for deprogramming under Nebraska law?

(3) What duties law enforcement personnel have respecting the capture and deprogramming of cult members?

(4) What civil liabilities parents and deprogrammers face respecting deprogramming activity?

(5) What First Amendment rights cults and cult members have?

(6) What legislation is needed which would clarify the respective rights of the parents, deprogrammers, the State, and the cult and cult members and protect parents and deprogrammers from lawsuits from cult members and cults?

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

(1) That a Committee of the Legislature shall be designated to conduct an interim study and to hold any public hearings necessary to carry out the purposes of this resolution.

(2) That the Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council prior to the commencement of the 1984 Legislative Session.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 615 in the Journal. No objections. So ordered.

AM1416

(Amendments to Standing Committee amendments)

1. Insert a new section as follows:

Sec. 2. That section 25, Legislative Bill 602, Eighty-eighth Legislature, First Session, 1983, be amended to read as follows:

"Sec. 25. Agency No. 78 — Nebraska Commission on Law Enforcement and Criminal Justice

(1) Program No. 196 - Local Distribution of Aid

GENERAL FUND 81,371
FEDERAL FUND est. 25,000
PROGRAM TOTAL 106,371

There shall be no personal services expenditures for state employees from the appropriation to this program.

There is included in the appropriation to this program $81,371 General Funds, $25,000 Federal Funds estimate, for state aid, which shall only be used for such purposes.

(2) Program No. 198 - State and Local Planning
GENERAL FUND 79,611
FEDERAL FUND est. 293,444
PROGRAM TOTAL 373,055

Total expenditures for permanent and temporary salaries and per diems for state employees shall not exceed $198,351.

There is included in the appropriation to this program $197,719 Federal Funds estimate, for state aid, which shall only be used for such purposes.

(3) Program No. 199 - Nebraska Law Enforcement Training Center
CASH FUND 673,633
FEDERAL FUND est. 40,293
PROGRAM TOTAL 713,926

Total expenditures for permanent and temporary salaries and per diems shall not exceed $351,915.

It is the intent of the Legislature that the Criminal Justice Film Library be administered by the Law Enforcement Training Center.

(4) Program No. 201- Crime Victim - Witness Assistance
GENERAL FUND 48,840
PROGRAM TOTAL 48,840

Total expenditures for permanent and temporary salaries and per diems for state employees shall not exceed $10,700.

There is included in the appropriation to this program $30,594 General Funds, for state aid, which shall only be used for such purpose.

(5) Program No. 202 - Crime Victim's Reparations Board
GENERAL FUND ~~104,530~~ 139,530
PROGRAM TOTAL ~~104,530~~ 139,530

Total expenditures for permanent and temporary salaries and per diems for state employees shall not exceed $44,460.

There is included in the appropriation to this program ~~$50,000~~ $85,000 General Funds, for state aid, which shall only be used for such purposes.

(6) Program No. 203 - Jail Standards Board
GENERAL FUND 134,578
PROGRAM TOTAL 134,578

Total expenditures for permanent and temporary salaries and per diems shall not exceed $98,047.

For Informational Purposes Only: Total Appropriations to Agency No. 78 and Fund Source
GENERAL FUND ~~449,230~~ 484,230
CASH FUND 673,633
FEDERAL FUND est. 358,737
AGENCY TOTAL ~~1,481,300~~ 1,516,300".

2. On page 7, line 15, strike "is" and insert "and section 25, Legislative Bill 602, Eighty-eighth Legislature, First Session, 1983, are".

3. Renumber remaining sections accordingly.

UNANIMOUS CONSENT - Withdraw Amendments to LB 628

Mr. DeCamp asked unanimous consent to withdraw his pending amendments, AM1143, page 1514; AM1146, page 1515; AM1186, page 1574; AM1185, page 1575; AM1184, page 1575; AM1182, page 1575; AM1183, page 1575; AM1181, page 1576; AM1200, page 1598; AM1199, page 1599; AM1198, page 1599; AM1261, page 1712; and AM1411, page 1978 to LB 628. No objections. So ordered.

Messrs. Hoagland, Carsten, Wiitala, Landis, Marsh, and Wesely asked unanimous consent to withdraw their pending amendment, AM1156, found in the Journal on page 1542 to LB 628. No objections. So ordered.

Mr. Fenger asked unanimous consent to withdraw his pending amendment, AM1401, found in the Journal on page 1980 to LB 628. No objections. So ordered.

MOTION - Return LB 628 to Select File

Mr. Wesely moved to return LB 628 to Select File for his specific amendment found in the Journal on page 1711.

The motion to return prevailed with 27 ayes, 0 nays, 18 present and not

voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 628. The Wesely specific amendment found in the Journal on page 1711 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.

MOTION - Return LB 628 to Select File

Mr. Warner moved to return LB 628 to Select File for the following specific amendment:

PURPOSE: To eliminate the increase from 30 to 49 full-time legislative aides in the Legislative Council.

AMENDMENT:

On page 1 of the Appropriations Committee amendments AM1348, in lines 5 and 6, strike "2,167,917" and insert "1,888,158".

On page 3, in lines 16 and 17, strike "6,010,091" and insert "5,730,332".

The Warner motion to return lost with 10 ayes, 17 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Warner moved to return LB 628 to Select File for the following Appropriations Committee specific amendment:
(Amendment on file in the Clerk's Office - AM1348.)

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Fowler asked unanimous consent to print the following amendment to LB 604 in the Journal. No objections. So ordered.

AM1408

1. Insert the following new sections:

"Sec. 2. That section 84-1317, Revised Statutes Supplement, 1982, be amended to read as follows:

84-1317. An employee may elect to retire on the attainment of age sixty-five or on the attainment of age fifty- five ~~sixty~~ after five ~~thirty~~ years of service. With the approval of the department concerned and the employee, an employee may retire on the attainment of

age sixty regardless of the number of years of service. An employee may retire as a result of disability at any age.

Any employee shall be required to retire at the end of the month in which his or her seventieth birthday occurs, except that with the annual approval of the department concerned and the employee, such employee may continue his or her employment beyond the attainment of age seventy, except that members of commissions and boards who serve periodically and only receive authorized per diems or expenses shall not be required to retire at age seventy.

The first 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. The provisions pertaining to mandatory retirement shall not apply to elected officials. First payments pertaining to retirements under prior service provisions of sections 84-1301 to 84-1331 shall be made at such time as the retirement board may determine.

Sec. 3. That section 84-1321, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1321. (1) Any member of the retirement system who ceases to be an employee before becoming eligible for retirement under the provisions of section 84-1317 may, upon application, receive from the primary carrier (a) a termination benefit equal to the amount in his or her employee account payable in a lump sum plus a paid- up deferred annuity provided by the vested portion of the employer account under which the first annuity payment shall be made as of the first of the month immediately following the sixty- fifth birthday or (b) a paid- up deferred annuity provided by the employee account and the vested portion of the employer account under which the first annuity payment shall be made as of the first of the month immediately following the sixty- fifth birthday. If the terminating member does not make application he or she shall receive the benefits provided under subdivision (1)(b) of this section, except that any person who has been a member of the retirement system and has terminated his or her employment prior to the effective date of this act and has not withdrawn the amount in his or her employee

account shall have the option upon application prior to January 1, 1984, to receive the benefit provided in subdivision (1)(a) of this section. ~~to withdraw the amount in his employee account, he shall be granted, in lieu thereof, a paid- up deferred annuity under which the first annuity payment shall be made as of the first of the month immediately following the sixty- fifth birthday.~~

(2) At the option of the terminating member, any paid- up deferred annuity provided under subsection (1) of this section ~~such annuity~~ may commence as of the first of the month at any time after such member attains the age of fifty- five ~~sixty~~ and before his or her sixty-fifth birthday. Such election by the terminating member may be made at any time prior to the commencement of the annuity payments. Such paid-up deferred annuity shall be the actuarial equivalent, as determined by the group annuity contract, of the employee account together with the vested ~~a certain~~ percentage of the employer account. ~~If the terminating member has been a member of the system for less than five years, such percentage shall be nil; if the terminating member has been a member of the system for at least five years, such percentage shall be twice the number of complete months, not counting the first sixty, that the terminating member has been a member of the system; Provided, that in no event shall such percentage exceed one hundred; and provided further, that such percentage shall equal one hundred for any disability retirement under the provisions of section 84- 1317.~~

(3) The vesting percentage shall be one hundred after five years of participation in the retirement plan. The vesting percentage shall equal one hundred for any disability retirement under the provisions of section 84- 1317.

(4) In the event that the terminating member shall not be credited with one hundred per cent of his or her employer account, the remainder shall be credited to the State Employees Retirement Fund and shall be applied to reduction of the liability for prior service benefits until such time as such liability is completely funded, and thereafter the remainder shall first be used to meet the expense charges incurred by the Public Employees Retirement Board in connection with administering the system and the remainder shall then be

used to reduce the state contribution which would otherwise be required to fund future service retirement benefits.

Sec. 4. That section 84-1332, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1332. (1) Any county employee who is a member under a county employees retirement system, including retirement systems authorized by section 23-1118, and whose status as a county employee is changed by the Legislature to that of a state employee shall, upon application to the Public Employees Retirement Board and to the county, or to the county board of a county having a retirement system authorized by section 23-1118, obtain full and immediate vesting in any prior service retirement benefits and any future service retirement benefits which have been accrued to the date of transfer, except that the employee may not withdraw the amount in his or her employee account prior to his or her retirement and still receive such vested benefits. ~~Any such employee shall be eligible for immediate participation in the State Employees Retirement System with no minimum period of service required if the minimum age requirement of the State Employees Retirement System is satisfied.~~ Each employee's service as a county employee, after he or she has attained the minimum age required under the State Employees Retirement System and has completed two years of service, shall be credited as though it were participation in the State Employees Retirement System for purposes of calculating the termination benefits established by section 84-1321.

(2) Any county employee whose status as a county employee is or has been changed by the Legislature to that of a state employee shall be eligible for immediate participation in the State Employees Retirement System with no minimum period of service required if the minimum age requirement of the State Employees Retirement System is satisfied, or if the minimum age requirement is not satisfied on the date of transfer, the employee shall be eligible to participate at the date he or she satisfies the minimum age requirement.".

2. On page 2, line 6, strike ", is" and insert "and original sections 84-1321 and 84-1332,

Reissue Revised Statutes of Nebraska, 1943, and section 84-1317, Revised Statutes Supplement, 1982, are".

3. Renumber remaining sections accordingly.

NOTICE OF COMMITTEE HEARINGS
Business and Labor

State Labor Contracts, Wednesday, May 11, 1983 (Cancel) 12:30 p.m.
State Labor Contracts, Wednesday, May 18, 1983 (Reset) 12:30 p.m.

(Signed) Bill Barrett, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 103
May 4, 1983

Dear Senator Hoagland:

You have submitted to us proposed amendments to LB 599, and have asked our opinion as to the constitutional validity of that bill, as so amended, "at your earliest convenience." In view of the complexity of the whole subject of the federal regulation of takeover bids, we can only give our general impressions in any reasonably prompt opinion. In a suit involving LB 599, as so amended, we would expect to spend several weeks researching the subject.

In our Opinion No. 88, issued April 25, 1983, we concluded that the original version of LB 599 was invalid under the Commerce Clause, and cited Edgar v. Mite Corporation, ____ U.S. ____, 73 L.Ed.2d 269, 102 S.Ct. 2629 (1982). In that case the Court held that the Illinois takeover statute violated the Commerce Clause because it attempted to regulate transactions not only with Illinois residents, but also with those living in other states and having no connection with Illinois.

Your proposed amendment would attempt to eliminate this objection by providing that any injunction issued under the act could enjoin only offers to or purchases from Nebraska residents pursuant to a takeover bid. The question is whether this makes the bill comparable to the "blue-sky laws," which the Court distinguished in Edgar, on the grounds that such laws regulated only transactions occuring within the regulating states.

This proposed amendment would certainly eliminate the clear violation of the Commerce Clause present in the original version of the bill, but we would not be prepared, without a great deal of research, to give it a clean bill of health with respect to the Commerce Clause. The offer by an out-of-state company to purchase the stock of a Nebraska resident is an interstate commerce transaction, and we are not

confident that Nebraska can prohibit it. We point out that in Edgar the Court noted that Congress had inserted 15 U.S.C. §78bb(a) into the Securities Exchange Act, a provision designed to save state blue-sky laws from preemption. We find no such saving provision in the federal takeover statute.

In our previous opinion we pointed out that Congress may have preempted the entire field in the takeover area. Some language in Edgar points in that direction. In discussing the federal takeover statute, the Court pointed out that Congress intended to protect investors, by furnishing them with necessary information, and by withholding from incumbent management and the bidder any undue advantage which could frustrate the exercise of an informed choice.

The Court discussed at some length the attempt of Congress to strike a balance between management and the takeover bidder. Presumably, Congress has achieved the balance it wants in the Williams Act. A takeover bid is an attempt by the bidder to gain control of the target company. Theoretically, at least, an injunction against the acquisition of shares from Nebraska residents might be just enough to frustrate this effort, and to tip the balance in favor of incumbent management.

Furthermore, an injunction against the purchase of the shares of Nebraska residents might deny to such residents the advantage, given to all other shareholders, of selling their stock at a bonus price. If the purpose of the federal takeover statute is to protect investors, such an injunction might be held to frustrate the purposes of the federal act.

The answers to your questions are far from crystal clear, but our opinion is that there is a strong likelihood that the Court will ultimately say that Congress has occupied the field, and that there is no room for state regulation, at least where anything other than entirely intrastate transactions are involved.

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

RHG:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 5, 1983, at 11:30 a.m., were the following bills: 207, 476, and 476A.

(Signed) Jan Loder, Enrolling Clerk

RESOLUTIONS

LEGISLATIVE RESOLUTION 109.

Introduced by Beutler, 28th District.

PURPOSE: The state of Nebraska has one of the most plentiful and healthful groundwater supplies in the United States. Recent studies by the Institute of Agriculture and Natural Resources of the University of Nebraska and other scientists have indicated increasing concentrations of contaminants in Nebraska's groundwater. These studies have indicated dangers to humans and other animals and plant life due to increasing amounts of pollution in groundwater. The vitality of Nebraska's agricultural economy is dependent on adequate and healthful water supplies.

There is a need to determine the nature and extent of groundwater pollution in the state of Nebraska. The purpose of this study is to assess the advisability of legislation in this area. In order to accomplish this purpose the following topics shall be studied.

(1) The nature, extent, and causes of groundwater pollution in Nebraska.

(2) The nature of the health hazard to humans of all ages due to groundwater pollution.

(3) The nature of the health hazard to livestock and other animals due to groundwater pollution.

(4) The effect of groundwater pollution upon plant life.

(5) Methods of stabilizing and controlling pollution including alternatives and economic impact.

(6) Proposals specifically relating to nature, extent and regulation of nitrate contamination relating to LB 426, 88th Legislature, First Session.

(7) Any other matters necessary for a complete analysis of this issue.

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

1. That the Agriculture and Environment Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 110.

Introduced by Barrett, 39th District.

WHEREAS, the year 1983 marks the one hundredth birthday of the Village of Atlanta; and

WHEREAS, the Village of Atlanta has been and will continue to be an outstanding community; and

WHEREAS, the citizens of Atlanta deserve special recognition during their Centennial Celebration which takes place on July 23 and 24, 1983.

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

1. That the members of the Legislature recognize and commend the Village of Atlanta for its one hundredth anniversary.

2. That the Legislature congratulates and extends best wishes to the citizens of the Atlanta community.

Laid over.

LEGISLATIVE RESOLUTION 111.

Introduced by Barrett, 39th District.

WHEREAS, the year 1983 marks the one hundredth birthday of the City of Holdrege; and

WHEREAS, the City of Holdrege has been and will continue to be an outstanding community; and

WHEREAS, the citizens of Holdrege deserve special recognition during their Centennial Celebration which takes place on June 11-19, 1983.

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

1. That the members of the Legislature recognize and commend the City of Holdrege for its one hundredth anniversary.

2. That the Legislature congratulates and extends best wishes to the citizens of the Holdrege community.

Laid over.

LEGISLATIVE RESOLUTION 112.

Introduced by Kahle, 37th District.

PURPOSE: The purpose of this resolution is to study the funding of the state college system, with special attention to be paid to the

following equity issues:

(1) Whether funding for equipment, capital construction, and maintenance at the four institutions is fair and equitable;

(2) Whether faculty salary levels at the four institutions are fair and equitable; and

(3) Whether tuition levels at the four institutions are fair and equitable.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 113.

Introduced by Kahle, 37th District.

PURPOSE: The purpose of this resolution is to study Nebraska's high school nonresident tuition formula and the issues of fairness and equity for all concerned parties which are raised by that formula.

The study shall include:

(1) Investigation into the controversy and confusion which continues to surround nonresident rates despite enactment into law of a new formula in 1982; and

(2) Investigation into levels and trends in rates being charged by school districts.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 114.

Introduced by L.Johnson, 15th District; R. Johnson, 34th District;

Landis, 46th District; Goll, 16th District.

PURPOSE: The purpose of this resolution is to create a task force to undertake a study of Nebraska's jails. Such task force shall be composed of representatives of the Legislature's Judiciary, Government, and Revenue committees, the Nebraska Association of County Officials, the Nebraska Judiciary, the Nebraska Crime Commission, the Department of Correctional Services, and the Nebraska Sheriffs' and Peace Officers' Association.

The scope of the study shall include examination of the following: (1) The fiscal impact of the Nebraska Jail Standards on local government; (2) the need to segregate male from female offenders, juveniles from adult offenders, and pretrial detainees from sentenced prisoners; (3) special needs of the mentally ill and retarded; (4) special needs of the sentenced alcohol and drug abusers; (5) use of sentenced offenders in community work programs; (6) participation of private business in jail industries; (7) the use of existing jails for sentences of thirty days or less or for pretrial detainees; (8) the location of regional jails determined by demographics, corresponding industry, and post secondary education facilities; and (9) the possibility of the regional location having a regional court system, prosecutor, and defender.

The task force shall seek financial assistance for its study through grants available through the National Institute of Corrections.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 115.

Introduced by Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Barrett, 39th District; V. Johnson, 8th District; Hannibal, 4th District; Fenger, 45th District; Lundy, 36th District; Von Minden, 17th District; Newell, 13th District.

PURPOSE: The purpose of this study is to examine:

(1) The provisions of Legislative Bills 259 and 336, 1983;

(2) the effects the enforcement provisions of each bill have on the other;

(3) any specific areas where Legislative Bills 259 and 336 coincide

or contrast;

(4) the fate of lotteries operated by political subdivisions; and

(5) any areas of gambling or lotteries which are not addressed or affected by either bill.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

3. The committee conducting this study shall, upon conclusion of the study and based upon its recommendations, prepare legislation to be offered for introduction in the 1984 legislative session.

4. If Legislative Bill 259 is enacted into law, the committee conducting this study may conduct the study in relation to or in cooperation with any Advisory Council created in LB 259, as the committee sees fit.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 116.

Introduced by Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Barrett, 39th District; V. Johnson, 8th District; Hannibal, 4th District; Fenger, 45th District; Lundy, 36th District; Von Minden, 17th District; Newell, 13th District; Wesely, 26th District.

PURPOSE: Legislative Bill 295, 1983, was introduced to address abuses of automatic dialing-announcing devices. The purpose of this study is to examine the provisions of Legislative Bill 295 and any amendments offered to it to determine the best way to regulate and control abuses of automatic dialing-announcing devices without over regulating the industry and legitimate uses of the devices.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

3. The Committee conducting this study shall, upon conclusion of the study, prepare any legislation it deems necessary, based upon its recommendations, to be offered for introduction in the 1984 legislative

session.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Messrs. Sieck, Carsten, and Vickers asked unanimous consent to print the following amendment to LB 343 in the Journal. No objections. So ordered.

AM1417

(Amendments to the Final Reading Copy)

1. On page 11, line 17, strike "If such seller is then" and insert "Such seller shall then be".

RESOLUTIONS

LEGISLATIVE RESOLUTION 117.

Introduced by Sieck, 24th District.

PURPOSE: The purpose of this study is to examine certain aspects of Nebraska tax law in relation to tax liability on annuity income. Presently the State of Nebraska taxes some retirement income, while other types are not taxed. Specifically the study should examine ways to tax all annuities equitably and what exemptions and new taxing categories would be necessary to achieve equity.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 118.

Introduced by Sieck, 24th District; Carsten, 2nd District; Vickers, 38th District.

PURPOSE: The purpose of this study is to assess the impact on county governments of the development of a centralized filing or

centralized indexing system of recording all liens held by security interest holders in this state. Specifically, this study should be directed at any potential costs that may be incurred by counties, the possibility of such a system being supported solely by fees, what such fees should be, how such fees should be distributed, and the work load this proposal would create for the affected offices in county government.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 119.

Introduced by V. Johnson, 8th District.

PURPOSE: The purpose of this resolution is to provide for an examination of the involvement of the State of Nebraska with public employee retirement programs. This examination should cover the specific benefit areas provided by state retirement systems, a comparison of Nebraska's systems with those in other states, and an explanation of the operation of Nebraska's system with respect to eligibility requirements for public employees, funds received and paid out, and investment of funds.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a written report of its findings, together with its recommendations, to the Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 14 fourth grade students, teacher, and sponsors from Polk Elementary, Polk; 41 fourth grade students and teacher from Christ Lutheran School, Norfolk; 28 students and teacher

from Silver Creek School, Silver Creek; 27 fifth grade students and sponsors from Field Elementary, Columbus; 47 eighth grade students, teachers, and sponsor from Holt County Rural School; 15 fifth and sixth grade students and teacher from District 15, Hastings; Chief Master Sgt. Mike Parent from Offutt Air Force Base; Jack Allen from Bellevue; 37 fourth and fifth grade students, teachers, and sponsors from Underwood Hills School, Omaha; Robert T. Ray from McCook; 5 students and sponsor from Benedict High School, Benedict; Mr. and Mrs. Allen Arens and daughters from Crofton; Vicki Ackerman from Sutton; and 15 students and teacher from Dodge Public School, Dodge.

RECESS

At 11:58 a.m., on a motion by Miss Kilgarin, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:37 p.m, Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Barrett, Cullan, Hoagland, Mesdames Higgins, and Labedz who were excused; and Messrs. Haberman and Schmit who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 363. Considered.

Mr. Newell offered the following amendment:
AM1378

1. Insert a new section as follows:

"Sec. 5. 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 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.~~".

2. On page 23, line 15, strike "6" and insert "7"; and in line 23, strike "section 77-2769" and insert "sections 77-2769 and 77-27,144".

3. Renumber remaining sections accordingly.

The Newell amendment lost with 14 ayes, 14 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Wagner asked unanimous consent to be excused. No objections. So ordered.

Mr. Fenger requested a record vote on the advancement of the bill.

Voting in the affirmative, 29:

Beutler	Carsten	Chambers	Chronister	Clark
DeCamp	Eret	Fowler	Goodrich	Haberman
Hefner	Jacobson	Johnson, R.	Johnson, V.	Kilgarin
Landis	Marsh	Morehead	Newell	Nichol
Pappas	Pirsch	Remmers	Rupp	Sieck
Vickers	Wesely	Wiitala	Withem	

Voting in the negative, 11:

Abboud	Beyer	Fenger	Hannibal	Johnson, L.
Kahle	Lamb	Lundy	Peterson, H.	Peterson, R.
Von Minden				

Present and not voting, 2:

Goll	Warner

Excused and not voting, 7:

Barrett	Cullan	Higgins	Hoagland	Labedz

Schmit Wagner

Advanced to E & R for Engrossment with 29 ayes, 11 nays, 2 present and not voting, and 7 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 120.

Introduced by R. Peterson, 21st District; Withem, 14th District; Fenger, 45th District; Wesely, 26th District; Rupp, 22nd District.

PURPOSE: The purpose of this resolution is to review the present system of delivering mental health services for the state.

A study is needed to (1) examine the effectiveness of providing community-level services through the regional divisions; (2) investigate any current evidence indicating any inadequacies in the structure of the program; (3) formulate alternative methods of reorganization if necessary; (4) consider future legislation to correct any apparent deficiencies in the Community Mental Health Services Act.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Co-Introducers

Miss Kilgarin, Messrs. Wiitala, and Chambers asked unanimous consent to have their names added as co-introducers to LB 363. No objections. So ordered.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 146. Placed on Select File as amended.
E & R amendments to LB 146:
AM5156

1. On page 1, line 1, strike the first comma
and insert "and" and strike "and 43-106,"; strike
beginning with "to" in line 6 through the semicolon in

line 8; in line 9 strike "and"; and strike beginning with the first comma in line 10 through "1943" in line 11 and insert "; and to declare an emergency".

2. In the Pirsch amendment, AM1101: (a) On page 1, line 11, strike "or" and insert an underscored comm; and in line 13 after "terminated" insert an underscored comma; and (b) on page 2, line 5, strike "as to".

Correctly Engrossed

The following bills were correctly engrossed: 219, 254, 254A, 370, and 479.

(Signed) Rod Johnson, Chairperson

MOTION - Return LB 628 to Select File

Mr. Warner renewed his pending motion found in this day's Journal to return LB 628 to Select File for the Appropriations Committee amendment, AM1348.

The Warner motion to return prevailed with 25 ayes, 4 nays, 13 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 628. The Appropriations Committee amendment, AM1348, was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 628 to Select File

Messrs. DeCamp and Landis moved to return LB 628 to Select File for the following specific amendment:
(Amendment on file in the Clerk's Office.)

Mr. R. 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 DeCamp-Landis motion to return prevailed with 29 ayes, 5 nays, 8 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 628. The DeCamp-Landis specific amendment on file in the Clerk's Office was adopted with 27 ayes, 5 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Wiitala asked unanimous consent to print the following amendment to LB 234A in the Journal. No objections. So ordered.

1. On page 2, line 1, strike "one" and insert "two"; in line 2, strike "twelve thousand five hundred" and insert "five thousand"; in line 4, strike "1984" and insert "1983", strike "1985" and insert "1984", and strike "one" and insert "two"; in line 5, strike "twelve" and insert "fifty-seven"; in line 7, strike "1985" and insert "1984", and strike "1986" and insert "1985"; and strike lines 11, 12 and 13 and insert "Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall neither exceed one hundred eighty thousand dollars for the period July 1, 1983, to June 30, 1984, nor two hundred twenty-six thousand dollars for the period July 1, 1984, to June 30, 1985."; and add the following new section,

"Section 2. There is hereby appropriated (1) one hundred two thousand five hundred dollars from the Consumer Fraud Cash Fund for the period July 1, 1983, to June 30, 1984, and (2) one hundred twenty-eight thousand seven hundred fifty dollars from the Consumer Fraud Cash Fund for the period July 1, 1984, to June 30, 1985, to the Attorney General, for Program 507, to aid in carrying out the provisons of Legislative Bill 234, Eighty-eighth Legislature, First Session, 1983.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall neither exceed ninety thousand dollars for the period July 1, 1983, to June 30, 1984, nor one hundred thirteen thousand dollars for the period July 1, 1984, to June 30, 1985."

RESOLUTIONS

LEGISLATIVE RESOLUTION 121.

Introduced by Fowler, 27th District.

PURPOSE: The purpose of this resolution is to study the adequacy of state Aid to Dependent Children payments, the fairness of the distribution procedure, and the standards and guidelines used to determine eligibility by the Department of Public Welfare and the

County Welfare System in the State of Nebraska.

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

1. That the Public Health and Welfare Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Public Health and Welfare Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 122.

Introduced by Fowler, 27th District.

PURPOSE: The purpose of this resolution is to study the duties and powers of dental hygienists and assistants and their auxiliary capacities in the practice of dentistry.

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

1. That the Public Health and Welfare Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Public Health and Welfare Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 123.

Introduced by Fowler, 27th District.

PURPOSE: Since it is the policy of the State of Nebraska to establish a minmum wage for all workers at levels consistent with their health, efficiency, and general well-being, the purpose of this study is to review the need to raise the state minimum wage to provide an adequate standard of living.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of

this resolution.

2. That the Business and Labor Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION - Return LB 628 to Select File

Mr. Warner moved to return LB 628 to Select File for the following specific Appropriations Committee amendment:

1. Add the following new sections:

"Sec. 93 The State Treasurer is hereby directed to transfer (1) two million nine hundred thousand dollars from the Department of Banking and Finance Securities Act Cash Fund, (2) four hundred fifty thousand dollars from the Department of Insurance Cash Fund, (3) one million dollars from the interest earnings in the Social Security Contributions Fund, (4) twenty-five thousand dollars from the State Athletic Commission Cash Fund, (5) seven hundred sixty thousand dollars from the State Office Building Fund, and (6) one million four hundred sixty thousand dollars from the Downtown Education Center and Office Rental Fund, to the General Fund on or before June 1, 1983.

The State Treasurer is hereby directed to transfer six million five hundred ninety-five thousand dollars from the General Fund to the Nebraska Capital Construction Fund on or before June 1, 1983.

Sec. 94. That Legislative Bill 602, Eighty-eighth Legislature, First Session, 1983, Section 27 is repealed."

2. Renumber original section 94 as section 95.

The Warner motion to return prevailed with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 628. The Appropriations Committee 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.

UNANIMOUS CONSENT - Withdraw Amendment to LB 628

Messrs. Vickers, Pappas, and R. Johnson asked unanimous consent to withdraw their pending amendment found in the Journal on page 1962 to LB 628. No objections. So ordered.

MOTION - Return LB 628 to Select File

Messrs. Vickers, Pappas, and R. Johnson moved to return LB 628 to Select File for the following specific amendment:

Amendment to the DeCamp amendment (AM1113)

PURPOSE: To increase the General Fund support for the diagnostic laboratories at the Institute of Agriculture by $250,000.

On page 1 of AM1113 (Journal page 1468), in lines 7 and 8, strike "147,591,863" and insert "147,841,863".

Mr. Pappas moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Pappas requested a roll call vote on the motion to return.

Voting in the affirmative, 19:

Beyer	Chambers	Eret	Haberman	Jacobson
Johnson, R.	Kahle	Kilgarin	Lamb	Landis
Lundy	Morehead	Pappas	Rupp	Schmit
Sieck	Vickers	Wiitala	Withem	

Voting in the negative, 18:

Abboud	Beutler	Carsten	Clark	DeCamp
Fenger	Goll	Hefner	Johnson, L.	Johnson, V.
Newell	Nichol	Peterson, H.	Pirsch	Remmers
Von Minden	Warner	Wesely		

Present and not voting, 5:

Chronister	Goodrich	Hannibal	Marsh	Peterson, R.

Absent and not voting, 1:

Fowler

Excused and not voting, 6:

Barrett	Cullan	Higgins	Hoagland	Labedz
Wagner				

The Vickers et al motion to return lost with 19 ayes, 18 nays, 5 present and not voting, 1 absent and not voting, and 6 excused and not voting.

MOTION - Overrule Speaker's Agenda

Mr. Landis moved to overrule the agenda and continue debate on LB 628.

The Landis motion prevailed with 30 ayes, 11 nays, 2 present and not voting, and 6 excused and not voting.

MOTION - Return LB 628 to Select File

Miss Kilgarin and Mr. Schmit moved to return LB 628 to Select File for the following specific amendment:
PURPOSE: Delete funding for the Department of Revenue property tax field staff ($200,000)
AMENDMENT: In the Landis/DeCamp amendments to LB 628 on page 21, line 19, strike "1,314,336" and insert "1,114,336", in line 21, strike "2,317,908" and insert "2,117,908", strike lines 24 through 26; on page 22, strike line 1, in line 14 strike "34,509,946" and insert "34,309,946" and in line 17, strike "35,883,428" and insert "35,683,428".

Miss Kilgarin moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Miss Kilgarin requested a roll call vote on the motion to return.

Voting in the affirmative, 21:

Beyer	Eret	Goodrich	Johnson, R.	Johnson, V.
Kilgarin	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Pappas	Pirsch	Remmers
Rupp	Sieck	Vickers	Wesely	Wiitala
Withem				

Voting in the negative, 17:

Abboud	Carsten	Clark	DeCamp	Fowler
Goll	Haberman	Hannibal	Hefner	Jacobson
Johnson, L.	Kahle	Lamb	Peterson, H.	Schmit
Von Minden	Warner			

Present and not voting, 5:

Beutler	Chambers	Chronister	Fenger	Peterson, R.

Excused and not voting, 6:

Barrett	Cullan	Higgins	Hoagland	Labedz

Wagner

The Kilgarin-Schmit motion to return lost with 21 ayes, 17 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

ATTORNEY GENERAL'S OPINION

Opinion No. 105
May 4, 1983

Dear Senators Haberman, DeCamp, and Beutler:

You have jointly requested our opinion on Sections 59 and 60 of LB 1, Eighty-Seventh Legislature, Second Special Session 1982. You refer to our Opinions No. 91 and 101, Report of the Attorney General 1983-84, dealing with matters involving the transfer of monies from particular funds to either the General Fund or particular funds. By way of background, in Opinion No. 91, we stated that Neb.Rev.Stat. §8-1120 (Reissue 1977) and Article III, Section 12, of the Constitution, prohibited the Legislature from transferring in an appropriations bill money in the Social Security Contribution Fund to the General Fund. We further indicated in that opinion that Neb.Rev.Stat. §68-613 (Reissue 1981) authorized the transfer to the General Fund of interest income from the Social Security Contribution Fund. In Opinion No. 101 the question was whether LB 469, as amended by Amendment No. 1298, cured any constitutional problems relating to the transfer of monies from the particular funds to the general or other fund. We responded that it did cure such problems.

You now ask the following four questions:

1. It would appear that from your opinions No. 91 and 101 that many of the transfers listed above were made in an unconstitutional manner. Which of these transfers, in your opinion, are in fact constitutionally suspect?

2. LB 1 provided that the above transfers were to take place on or before June 1, 1983. If any of these transfers are suspect and have already occurred, must the money transferred be returned to the originating fund?

3. Who is the proper party to see that any illegally transferred funds are properly returned to their originating fund, and who may compel this party to take this action?

4. On any funds that were transferred illegally, upon their return to their originating source, is there any requirement that interest be paid on such funds for the period of time they were held

in the General Fund, or Nebraska Capital Construction Fund, and how is that interest to be computed?

We should point out of the $8,955,000 directed to be transferred in LB 1, Sections 59 and 60, to the Nebraska Capital Construction Fund and to the General Fund, all but $300,000 has been transferred. We will answer your questions in the order they were asked.

Each of the transfers directed to be made in Sections 59 and 60 are constitutionally suspect. See, Opinions No. 91 and 101.

The Legislature in directory language in LB 1, required the State Treasurer to transfer this money. The State Treasurer transferred the money pursuant to this directive. The Treasurer could not now reverse those transfers since there is neither statutory authority nor legislative direction to do so.

A proper party could commence a lawsuit to restore the monies transferred and we feel that the court would order restoration of unspent monies; we are unable to predict what the court would do about the portion of the transferred monies that has been spent. We have found no statute that imposes a duty on any state officer to act in this circumstance nor any that grant authority to do so. The question of the legality of the funds was not raised at the time the transfers were made nor was it a matter considered when the Legislature adopted LB 1. While a legislative act is void from its inception if it is unconstitutional, we are faced here with a fait accompli. That is, the Legislature ordered that a particular action be taken. The administrative officers responsible took the action as ordered by the Legislature. While the Legislature did not have the authority to transfer the monies in the manner followed in LB 1, nonetheless, the administrative officers were neither on notice nor should they have had any reason to know of the impropriety of the legislative action. Hence, they did as directed by the Legislature. We are now ten-twelfths through the fiscal year concerned, the money which was transferred has presumably been used in the manner directed by the Legislature for state activities. If this transfer is to be corrected, it is a matter for the Legislature to address and not any executive officer.

The Legislature appears ready to respond to these problems by the adoption of LB 469 in the current legislative session. As we indicated in Opinion No. 101, "However, it is also clear that the authority provided in LB 469 may be exercised in a subsequent appropriation bill in this legislative session and, thus, any perceived difficulty with the purported action in LB 602, Section 27 is curable by subsequent legislative action this session." We believe that the same reasoning holds true in this case. That is, that the Legislature is now aware of the problem presented by the transfers ordered in LB 1 of the special session. The Legislature is well aware of those problems as they relate to the transfers of money from specified funds to other funds in the

current session. The Legislature has plenary power over the funds of the state for most purposes. Thus, any problem which exists is to be addressed by the Legislature and not by the executive officers.

These same comments are applicable to your questions with respect to the crediting of interest.

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

PTO/cmb/1
cc: Patrick J. O'Donnell
Clerk of the Legislature

ANNOUNCEMENT

Mr. Landis announced an executive session for the Government, Military and Veterans Affairs Committee on Friday, May 6 at 10:00 a.m. under the north balcony.

RESOLUTIONS

LEGISLATIVE RESOLUTION 124.

Introduced by V. Johnson, 8th District.

PURPOSE: The purpose of this resolution is to study the public postsecondary educational system in the State of Nebraska. This study should evaluate both the University and the State College systems with respect to administration, course and program offerings, faculty and student characteristics, admission standards, tuition and fees charged, general operations, and the overall quality of education offered in various areas of study. A major focus of this study should be an examination of the state funding of postsecondary education with the purpose of determining the most efficient and economic allocation of resources in this area.

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

1. That the Education Committee shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Committee shall upon conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 125.

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Haberman, 44th District; Schmit, 23rd District; Remmers, 1st District; Newell, 13th District; Beyer, 3rd District; Clark, 47th District.

PURPOSE:

This resolution is to study and maintain legislative oversight on the following legislation relating to issues of commerce in the State of Nebraska:

(1) LB 343 (Uniform Commercial Code Central Access Information System);

(2) LB 340 (Nebraska Foreign Market and Port Development Act);

(3) LB 502 (Repair and Replacement Procedures for Agricultural Equipment); and

(4) LB 554 (Third Party Prescription Program Act).

This resolution is also to maintain appropriate legislative oversight and to review, study and take testimony on the implementation, enforcement and effects on this State's commerce with the addition of Initiative 300 to the Nebraska Constitution.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Committee shall upon the conclusion of its study, make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 126.

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Haberman, 44th District; Schmit, 23rd District; Remmers, 1st District; Newell, 13th District; Beyer, 3rd District; Clark, 47th District.

PURPOSE:

Pursuant to the Nebraska Sunset Law, the Abstracters Board of Examiners, the State Board of Public Accountancy, and the Nebraska Real Estate Commission were subject to performance reviews by the Legislature's Performance Review and Audit Committee. As a result of

such review LB 473, LB 475, and LB 480 were introduced and referred to the Banking, Commerce and Insurance Committee for public hearing and consideration. The members of the Banking, Commerce and Insurance Committee recommended that all such Sunset Legislation be held by the Committee for interim study and further public hearings.

The purpose of this resolution is to study, review and take further testimony on: (1) Termination or continuation of any one or all boards and (2) Amendments to existing statutes relating to such boards.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Committee shall upon the conclusion of its study, make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 127.

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Haberman, 44th District; Schmit, 23rd District; Remmers, 1st District; Newell, 13th District; Beyer, 3rd District; Clark, 47th District.

PURPOSE:

The regulation of the business of insurance is conducted by the state governments rather than the federal government. It is a necessary and proper duty of the Legislature to continually exercise its power of legislative oversight by monitoring, reviewing and determining the adequacy of this State's insurance statutes and regulations.

The purpose of this interim study resolution is to examine this State's Insurance Code and regulations, including, but not limited to, specific laws relating to licensing, investments, and particular aspects of motor vehicle liability insurance, such as underinsured and uninsured motorist coverages.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Committee shall upon the conclusion of its study, make a report of its findings, together with its recommendations, to the

Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 128.

Introduced by Fowler, 27th District.

PURPOSE: The purpose of this resolution is to study the specific facilities not required to be inspected by the office of the state boiler inspector and the feasibility of continuing the exemption of such facilities.

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

1. That the Public Health and Welfare Committee of the Legislature shall be designated to conduct an interim study to carry out the purpose of this resolution.

2. That the Public Health and Welfare Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 129.

Introduced by Fowler, 27th District.

WHEREAS, an employee having a claim for wages which are not paid within thirty days of his or her regular payday may file suit for such wages; and

WHEREAS, if such employee can establish a claim and secure judgment on the claim, he or she is entitled to recover; and

WHEREAS, the amount recovered will be the full amount of the judgment and all costs, and, if such employee has employed an attorney in the case, an amount for attorney fees assessed by the court. The attorney fees will be not less than twenty-five per cent of the unpaid wages; and

WHEREAS, the Nebraska Wage Payment and Collection Act determines the procedures governing employee claims for wages and these procedures should be examined to determine whether changes are needed.

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

1. That the Business and Labor Committee of the Legislature shall

be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Business and Labor Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to Executive Board.

MOTION - Return LB 628 to Select File

Miss Kilgarin moved to return LB 628 to Select File for the following specific amendment:

PURPOSE: To reinstate $39,739 General Funds to provide funding for a Victim-Witness Assistance Center in Omaha.
AMENDMENT: In the Landis/DeCamp amendment, on page 108, in lines 11 and 12, strike "47,535" and insert "87,274" and in line 17, strike "30,594" and insert "70,333"; on page 109, in line 10, strike "502,977" and insert "542,716" and in line 13, strike "1,571,846" and insert "1,611,585".

Messrs. Clark and Abboud asked unanimous consent to be excused. No objections. So ordered.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The Kilgarin motion to return prevailed with 25 ayes, 6 nays, 10 present and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

SELECT FILE

LEGISLATIVE BILL 628. The Kilgarin specific amendment found in this day's Journal was adopted with 26 ayes, 1 nay, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 628 to Select File

Mr. Landis moved to return LB 628 to Select File for the following specific amendment:

1. on page 102, in line 4, strike "115,924" and insert "114,865"; after line 4, insert: "Cash Fund 60,000 Federal Fund est. 19,000"; in line 5, strike "115,924" and insert "193,865".

The Landis motion to return prevailed with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 628. The Landis specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 628 to Select File

Mr. Haberman moved to return LB 628 to Select File for the following specific amendment:

Purpose - To add $40,000 General Funds to provide funding for a Victim-Witness Assistance Center in Ogalala.

Amendment - In the Landis/DeCamp amendment, on page 108, in lines 11 and 12, strike "47,535" and insert "87,535" and in line 17, strike "30,594" and insert "70,594"; on page 109, in line 10, strike "502,977" and insert "542,977" and in line 13, strike "1,571,846" and insert "1,611,846".

Mr. Haberman requested a record vote on his motion.

Voting in the affirmative, 8:

Eret	Goodrich	Haberman	Johnson, V.	Nichol
Pappas	Pirsch	Von Minden		

Voting in the negative, 16:

Abboud	Beutler	Hannibal	Johnson, L.	Johnson, R.
Landis	Marsh	Morehead	Newell	Peterson, H.
Remmers	Rupp	Sieck	Warner	Wesely
Wiitala				

Present and not voting, 18:

Beyer	Carsten	Chambers	Chronister	DeCamp
Fenger	Fowler	Goll	Hefner	Jacobson
Kahle	Kilgarin	Lamb	Lundy	Peterson, R.
Schmit	Vickers	Withem		

Excused and not voting, 7:

Barrett Clark Cullan Higgins Hoagland
Labedz Wagner

The Haberman motion to return lost with 8 ayes, 16 nays, 18 present and not voting, and 7 excused and not voting.

MOTION - Adjournment

Miss Kilgarin moved to adjourn until 8:30 a.m.

The motion lost with 6 ayes, 14 nays, 22 present and not voting, and 7 excused and not voting.

MOTION - Suspend Rules

Mr. Chambers moved to suspend Rule 3, Sec. 16 and place LB 211 on General File, notwithstanding the action of the Committee.

Laid over.

MOTION - Reconsider Action on LB 617

Mr. Haberman moved to reconsider the motion to return LB 617 to select file for specific amendment.
Strike Schmit amendment.

Laid over.

RESOLUTIONS

LEGISLATIVE RESOLUTION 130.

Introduced by V. Johnson, 8th District.

PURPOSE: The purpose of this resolution is to study the need for development of a new personnel plan for all Legislative Council employees, and if this need exists, to develop such a plan; to consider alternative means of allocating office expenses to Nebraska state senators; and to review control and accountability with regard to various Legislative Council function.

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

1. That a committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a

report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 131.

Introduced by R. Johnson, 34th District.

WHEREAS, National History Day is a national academic contest that encourages students in grades six through twelve to research and prepare papers, projects, performances, and media presentations on a historical theme; and

WHEREAS, the theme for National History Day 1983 is "Turning Points in History: People, Ideas, and Events"; and

WHEREAS, seven district contests involving three hundred five students were held throughout the state at Wayne State College, Nebraska Wesleyan University, Hastings College, Kearney State College, North Platte High School, Chadron State College, and Burke High School, Omaha; and

WHEREAS, a state contest was held at Nebraska Wesleyan University on April 16, 1983, wherein fifty Nebraska students were awarded honors; and

WHEREAS, the Nebraska Committee for the Humanities and Nebraska Wesleyan University have given outstanding support to this program designed to help students learn more about the importance of history and to conduct historical research at the family, local, national, and global levels; and

WHEREAS, winners from all participating states will attend the national competition in Washington, D.C. from June 16-18, 1983.

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

1. That the Legislature congratulates all Nebraska students who have participated in National History Day competition at the local, district, and state levels and gives special compliments and encouragement to those state winners moving on to national competition.

2. That the Legislature recognizes the contribution and effort given by teachers and coordinators of this program across the state and the special effort given by the Nebraska Committee for the Humanities and Nebraska Wesleyan University.

Laid over.

LEGISLATIVE RESOLUTION 132.

Introduced by Withem, 14th District; Fenger, 45th District; Newell, 13th District; Hannibal, 4th District.

PURPOSE: The purpose of this resolution is to study, compare, and evaluate the means available in Nebraska for financing capital improvements in municipalities, suburbs, and unincorporated rural communities. Such a study shall include, but not be limited to the:

(1) Planning process;

(2) Short and long term costs of financing methods;

(3) Current system of growth and projected trends; and

(4) Effects of capital improvement financing on housing costs and availability.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Urban Affairs Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 133.

Introduced by Remmers, 1st District; Sieck, 24th District.

PURPOSE: To study the feasibility of expanding the local tax base beyond the property tax by implementing a local income tax to finance school districts and distributing equalization aid on the basis of a school district's wealth considering both the property valuation and adjusted gross income of the district. So as to make a complete study, the interim study should include an examination of the existing income tax structure on the state level and the possibility of implementing state income tax tables and discontinuing our current practice of calculating our state income tax as a percentage of the federal tax liability. The study should also include outlining various possible methods of taxing local income and determining an approximate amount of reduction in local property tax rates and State General Fund equalization aid expenditures.

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

1. That jointly the Revenue Committee and the Education Committee of the Legislature shall be designated to conduct an interim

study to carry out the purposes of this resolution.

2. That the committees shall, upon the conclusion of their study, make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE RESOLUTION 19. Read. Considered.

Mrs. Marsh, Messrs. Chambers, R. Johnson, Schmit, Vickers, Wesely, Wiitala, Newell, Sieck, and Fowler moved to indefinitely postpone LR 19.

Mr. DeCamp asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 8 nays, and 24 not voting.

Mr. Hannibal asked unanimous consent to be excused. No objections. So ordered.

Mr. Schmit moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Messrs. Beyer and Chronister asked unanimous consent to be excused. No objections. So ordered.

Mr. Hefner moved for a Call of the House. The motion prevailed with 20 ayes, 2 nays, and 27 not voting.

Mr. Hefner requested a roll call vote on the motion to indefinitely postpone LR 19.

Voting in the affirmative, 23:

Chambers	Fowler	Goll	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Remmers
Rupp	Schmit	Sieck	Vickers	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 14:

Abboud	Beutler	Carsten	Fenger	Goodrich
Haberman	Hefner	Jacobson	Johnson, L.	Lamb
Peterson, H.	Peterson, R.	Pirsch	Von Minden	

Present and not voting, 1:

Eret

Excused and not voting, 11:

Barrett	Beyer	Chronister	Clark	Cullan
DeCamp	Hannibal	Higgins	Hoagland	Labedz
Wagner				

The motion to indefinitely postpone LR 19 prevailed with 23 ayes, 14 nays, 1 present and not voting, and 11 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 356 in the Journal. No objections. So ordered.

AM1368

(Amendments to Final Reading Copy)

1. On page 1, line 1, strike "protection" and insert "control"; in line 2 after "81-1502," insert "81-1503,"; and in line 6 after the semicolon insert "to change provisions relating to the Director of Environmental Control;".

2. Insert the following new section:

"Sec. 3. That section 81-1503, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1503. (1) The Environmental Control Council is hereby created. The council shall consist of sixteen members to be appointed by the Governor with the advice and consent of the Legislature as follows: One representative of the food products manufacturing industry, one representative of conservation, one representative of the agricultural processing industry, one representative of the automotive or petroleum industry, one representative of the chemical industry, one representative of heavy industry, one representative of the power generating industry, one representative of

agriculture actively engaged in crop production, one representative of labor, one professional engineer experienced in control of air and water pollution and solid wastes, one physician knowledgeable in the health aspects of air, water, and land pollution, one representative from county government, two representatives from municipal government, one of whom shall represent cities other than those of the primary or metropolitan class, one representative of the livestock industry, and one representative of the public at large.

(2) Within thirty days after May 26, 1971, the Governor shall appoint the initial sixteen members to be appointed by him or her. Members shall serve for terms of four years, except that of the members first appointed, eight shall be appointed for terms of two years and eight shall be appointed for terms of four years. All appointments shall be subject to confirmation by the Legislature when initially made. As the terms of the initial appointees to the council expire, succeeding appointees shall be representatives of the same segment of the public as the previous appointee, and such successors shall be appointed to four-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. All members shall be citizens and residents of the State of Nebraska.

(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 him or her an opportunity to be publicly heard in person, or by counsel, in his or her own defense, upon not less than ten days' notice. Such hearing shall be held before the Governor. When a member is removed, the Governor shall file, in the office of the Secretary of State, a complete statement of all charges made against such member and the findings thereon, together with a complete record of the proceedings.

(4) The council shall elect from its members a chairperson and a vice-chairperson, who shall hold office at the pleasure of the council. The

vice-chairperson shall serve as chairperson in case of the absence or disability of the chairperson. The director shall serve as secretary of the council and shall keep all records of meetings of and actions taken by the council. He or she shall be promptly advised as to such actions by the chairperson.

(5) The members of the council, while engaged in the performance of their official duties, shall receive compensation at the rate of forty dollars per day while so serving, including travel time. In addition, members of the council shall receive reimbursement for actual and necessary expenses as provided in sections 84-306.01 to 84-306.05 for state employees.

(6) The council shall hold at least four meetings, once each calendar quarter at a time and place fixed by the council and shall keep a record of its proceedings, which shall be open to the public for inspection. Special meetings may be called by the chairperson. Such special meetings must be called by him or her upon receipt of a written request signed by two or more members of the council. Written notice of the time and place of all meetings shall be mailed in advance to the office of each member of the council by the secretary. The majority of the members of the council shall constitute a quorum.

(7) The council shall submit to the Governor a list of names from which he or she shall appoint the Director of Environmental Control, who shall be experienced in air, water, and land pollution control, and who may be otherwise an employee of the state government. The director shall be responsible for administration of the department and all standards, rules, and regulations adopted pursuant to Chapter 81, article 15. All such standards, rules, and regulations shall be adopted by the council, after consideration of the recommendations of the director. All grants to political subdivisions under the control of the department shall be made by the director in accordance with priorities established by the council. A majority of the members of the council shall constitute a quorum for the transaction of business. The affirmative vote of a majority of all members of the council shall be necessary for the adoption of standards, rules, and regulations.

(8) Before the director shall enter upon the duties of his or her office, he or she shall take and subscribe to the constitutional oath of office, and shall, in addition thereto, swear and affirm that he or she holds no other public office nor any position under any political committee or party and that he or she has not during the two years immediately prior to his or her appointment received a significant portion of his or her income directly or indirectly from permitholders or applicants for a permit under the ~~provisions of sections 81-1501 to 81-1532~~ Environmental Protection Act and that he or she will not receive such income during his or her term as director, except that such requirements regarding income shall not apply to employees of any agency of the State of Nebraska or any political subdivision which may be a permitholder under the Environmental Protection Act. Such oath and affirmation shall be filed with the Secretary of State.".

3. On page 50, line 26, strike "7 to 10" and insert "8 to 11".

4. On page 51, line 1, strike "12 to 25" and insert "13 to 26"; and in lines 20 and 27 strike "13" and insert "14".

5. On page 52, line 26, strike "13" and insert "14".

6. On page 53, line 5, strike "12 to 25" and insert "13 to 26"; in lines 6, 14, and 21 strike "13" and insert "14"; and in line 16 strike "15" and insert "16".

7. On page 54, in lines 3, 14, 19, and 26 and 27, strike "12 to 25" and insert "13 to 26"; in line 4 strike "13" and insert "14"; in line 21 after "out" insert "such" and strike "12 to 25 of"; and in line 22 strike "this act".

8. On page 55, in lines 3 and 12, strike "12 to 25" and insert "13 to 26"; in line 13 strike "27" and insert "28"; and in line 18 after the comma insert "81-1503,".

9. Renumber remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 134.

Introduced by Pirsch, 10th District.

PURPOSE: In most cases, unless the natural parent consents, the only grounds in Nebraska for a stepparent to adopt the child of his or her spouse is when it can be shown that the child has been abandoned by the noncustodial parent. It is often difficult to prove abandonment because the term is not defined in statute. The purpose of this study is to consider whether defining in statute what constitutes abandonment is necessary and whether additional grounds should be added to the adoption statutes to provide for stepparent adoption. In order to accomplish this purpose, the following topics shall be studied:

(1) Whether abandonment should be defined in statute;

(2) The additional grounds for adoption found in the Model Adoption Statute recommended by the American Bar Association;

(3) How adoption proceedings can be simplified to prevent unnecessary expenditure of time and legal fees; and

(4) Any other matters necessary for a complete analysis of the issue.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council prior to the commencement of the 1984 legislative session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 135.

Introduced by Pirsch, 10th District.

PURPOSE: Many persons charged with traffic violations fail to appear in court when their case is scheduled. This is especially true of persons arrested in a county which is a long distance from their county of residence. The purpose of this study is to consider methods of solving the time consuming and expensive process of issuing warrants for those drivers who fail to appear in court for traffic violations. In order to accomplish this purpose, the following topics shall be studied:

(1) The feasibility of creating a state-wide waiver system under which traffic offenders would be allowed to waive court appearances by paying fines listed on the back of the citation;

(2) The procedure found in Legislative Bill 167, Eighty-eighth Legislature, First Session, 1983, which allows an officer issuing a traffic citation to collect the person's motor vehicle operator's license which would be suspended if the driver fails to appear on the court date;

and

(3) Any other matters necessary for a complete analysis of the issue.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council prior to the commencement of the 1984 legislative session.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 607 in the Journal. No objections. So ordered.

AM1303

1. On page 2, line 27, strike "shall", show as stricken, and insert "may".

2. On page 3, line 14, after "66-1055" insert ", except that money in the Nebraska Energy Resource Fund may be transferred to the General Fund at the direction of the Legislature".

VISITORS

Visitors to the Chamber were 17 eighth grade students, teachers, and adults from St. Rose Crofton School, Crofton; 28 fourth grade students, teachers, and sponsors from Park and East Schools, Fairbury; Sophie Sobotka; and Mrs. Connors.

ADJOURNMENT

At 5:42 p.m., on a motion by Mr. Lundy, the Legislature adjourned until 8:30 a.m., Friday, May 6, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-EIGHTH DAY - MAY 6, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

SEVENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 6, 1983

Pursuant to adjournment, the Legislature met at 8:34 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Senator Lowell Johnson.

ROLL CALL

The roll was called and all members were present except Messrs. Barrett, Cullan, Hoagland, Wagner, and Mrs. Labedz who were excused; and Messrs. Chambers, DeCamp, Haberman, Hannibal, V. Johnson, Newell, Warner, Wesely, Mrs. Higgins, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Seventh Day was approved.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 93.

UNANIMOUS CONSENT - Add Co-Introducers

Messrs. DeCamp, Goodrich, Jacobson, R. Johnson, V. Johnson, Remmers, Withem, Beutler, Landis, Fowler, Rupp, Schmit, Nichol, Haberman, and Mrs. Pirsch asked unanimous consent to have their names added as co-introducers to LB 363. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Sieck asked unanimous consent to print the following amendment

to LB 604 in the Journal. No objections. So ordered.

AM1409

1. In the Carsten amendment, AM1340, on page 12, line 14, after the period insert "The Department of Public Welfare shall pay all administrative costs, including the cost of personnel, associated with the county public assistance programs in all counties with a population of less than one hundred thousand inhabitants.".

RESOLUTION

LEGISLATIVE RESOLUTION 105. Read. Considered.

LR 105 was adopted with 29 ayes, 0 nays, and 20 not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 214. With Emergency.

A BILL FOR AN ACT to amend section 49-1493, Reissue Revised Statutes of Nebraska, 1943, and section 49-1469, Revised Statutes Supplement, 1982, relating to the Nebraska Political Accountability and Disclosure Act; to authorize the expenditure of certain funds; to change provisions relating to the filing of certain statements; 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:

Abboud	Beutler	Beyer	Carsten	Chronister
Clark	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hefner	Jacobson	Johnson, L.
Johnson, R.	Kahle	Kilgarin	Lamb	Landis
Lundy	Marsh	Morehead	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Sieck	Vickers	Von Minden	Wesely
Wiitala	Withem			

Voting in the negative, 0.

Present and not voting, 1:

Warner

Excused and not voting, 11:

Barrett	Chambers	Cullan	DeCamp	Hannibal
Higgins	Hoagland	Johnson, V.	Labedz	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.

MOTION - Return LB 234 to Select File

Mr. Wiitala moved to return LB 234 to Select File for his specific amendment, AM1390, found in the Journal on page 1956.

The Wiitala motion to return prevailed with 33 ayes, 0 nays, 5 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 234. The Wiitala specific amendment, AM1390, found in the Journal on page 1956 was adopted with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 234 to Select File

Mr. Landis moved to return LB 234 to Select File for the following specific amendment:

(Final Reading Second)

1. On page 3 strike the new matter beginning with "and" in line 8 through "highways" in line 11.

2. On page 6 line 17 after "(a)" insert "Unless the vehicle is a motorcycle as defined in section 60-301, (b)" and in line 20 strike "(b)" and insert "(c)".

The Landis motion to return prevailed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 234. The Landis specific amendment found in this day's Journal was adopted with 29 ayes, 1 nay, 10 present and not voting, and 9 excused and not voting.

Advanced to E & R for Re-Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 136.

Introduced by Cullan, 49th District; Goll, 16th District; Hefner, 19th District; Fenger, 45th District; R. Peterson, 21st District; Von Minden, 17th District; Chronister, 18th District.

PURPOSE: The purpose of this resolution is to study community action agencies.

This study is necessary because:

(1) Community action agencies are private nonprofit organizations designed to plan, administer, and deliver programs for the benefit of low-income persons in Nebraska;

(2) Community action agencies operate by virtue of federal and state aid through contracts with the State of Nebraska and the federal Community Service Block Grant Act;

(3) These agencies operate as private nonprofit organizations and there exists no coordinating mechanism between the state and the agencies regarding program and budgetary considerations, despite the state funding;

(4) Serious criticisms of these agencies by agency employees and Nebraska citizens have attracted statewide press coverage questioning the adequacy and efficiency of the community action agencies; and

(5) Any state legislation on the subject of community action agencies and all facets of these organizations can only be intelligently written and proposed once the program is fully reviewed and researched to clearly identify all relevant facts.

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

1. That the Public Health and Welfare Committee of the Nebraska Legislature be authorized to conduct an interim study of community action agencies in Nebraska, including their financial structure and program responsibilities.

2. That the staff of the Administrative Rules and Regulations Review Committee of the Nebraska Legislature assist the Public Health and Welfare Committee in conducting the review and compiling a report to the Legislature.

3. That this review of community action agencies commence as

soon as possible after the end of the First Session, and that a full reporting of all findings be submitted to the Legislature at the beginning of the Second Session, January 1984.

4. That the Public Health and Welfare Committee of the Nebraska Legislature be given all necessary powers to review community action agencies and compile this report including supoena power.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 137.

Introduced by Fenger, 45th District.

PURPOSE: The purpose of this resolution is to examine the current status of the Bureau of Examining Boards to determine whether restructuring of the bureau is needed to bring its statutory purpose in conjunction with its actual operation.

A study is needed because (1) the scope of authority of professional boards has grown beyond the examining process and the additional areas of control have required excessive legislation, (2) recent deficiencies in the operation of the issuance of licenses has created a severe hardship on an individual board, (3) the request by newly established areas of health care professionals for certification or licensure will have the ultimate effect of creating additional boards, (4) the peer review process of professionals in areas outside of health care has proven effective in policing the ethics of these areas and could be a model for health care professionals, and (5) it is questionable whether the Board of Examiners in Cosmetology is properly placed under a bureau whose total function would appear to be state overview of medical personnel.

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

1. That the Public Health and Welfare Committee shall be designated to conduct an interim study to carry out the purpose of this resolution.

2. That the committee shall consider the wide diversity and the number of health care professionals covered by the various boards and determine whether a restructuring of the Bureau of Examining Boards is needed.

3. That if the committee determines that a restructuring is needed the necessary legislation will be drafted to effect such restructure.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 138.

Introduced by Fenger, 45th District.

PURPOSE: The purpose of this resolution is to study the expanded role of nursing in obstetrics and gynecology in Nebraska.

A study is needed because (1) the Legislature enacted the Practice of Nursing in Expanded Roles Act in 1981, (2) a task force appointed by Senator Sam Cullan studied the expanded role of nursing and as a result statutes were enacted in 1981 to provide for the nurse practitioner-anesthetist, (3) the same task force has proposed legislation providing for the expanded role of nursing in obstetrics and gynecology, and (4) a study has been proposed to determine the need for nurse-midwives in Nebraska by Senator Shirley Marsh in Legislative Resolution 67.

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

1. That the Public Health and Welfare Committee shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall investigate the expanded role of nursing in obstetrics and gynecology, determine whether there is a need for legislation, and if legislation is needed, have such legislation drafted.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 139.

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Schmit, 23rd District; Haberman, 44th District; Clark, 47th District; Remmers, 1st District; Beyer, 3rd District.

PURPOSE:

The purpose of this resolution is to study the desirability of enacting legislation which permits reciprocity with adjacent states regarding the ownership of banks by banking institutions and specifically to study (a) the ownership structures between and among banks and banking institutions in this state and adjacent states (b) the restrictions on the concentration of deposits in any single bank or banking institution and (c) the impact of such reciprocity agreements or legislation on the consumers of banking services.

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

1. That the Banking, Commerce and Insurance Committee of the

Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Committee shall upon the conclusion of its study, make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION - Return LB 234A to Select File

Mr. Wiitala moved to return LB 234A to Select File for his specific amendment found in the Journal on page 2016.

The Wiitala motion to return prevailed with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 234A. The Wiitala specific amendment found in the Journal on page 2016 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.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 326. With Emergency.

A BILL FOR AN ACT to amend section 60-412, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicle operator's licenses; to provide criteria for inspection of a person's driving record; to change a fee; 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:

Abboud	Beutler	Beyer	Carsten	Chambers
Chronister	Clark	DeCamp	Eret	Fenger
Fowler	Goll	Goodrich	Haberman	Hefner

Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Vickers	Von Minden	Warner	Wesely	Wiitala
Withem				

Voting in the negative, 0.

Present and not voting, 1:

Peterson, H.

Excused and not voting, 7:

Barrett	Cullan	Hannibal	Higgins	Hoagland
Labedz	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 573.

A BILL FOR AN ACT relating to livestock; to adopt the Nebraska Bovine Brucellosis Act; to change branding provisions; to amend section 54-132, Reissue Revised Statutes of Nebraska, 1943; to provide penalties; and to repeal the original section, and also sections 54-1331, 54-1332, and 54-1334 to 54-1347, Reissue Revised Statutes of Nebraska, 1943, and section 54-1333, Revised Statutes Supplement, 1982.

Whereupon the 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:

Abboud	Beutler	Beyer	Carsten	Chambers
Chronister	Clark	DeCamp	Fenger	Fowler
Goll	Goodrich	Haberman	Hefner	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Vickers	Von Minden	Warner	Wesely	Wiitala

Withem

Voting in the negative, 0.

Present and not voting, 1:

Eret

Excused and not voting, 7:

Barrett	Cullan	Hannibal	Higgins	Hoagland
Labedz	Wagner			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 573A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 573, Eighty-eighth Legislature, First Session, 1983.

Whereupon the 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:

Abboud	Beutler	Beyer	Carsten	Chambers
Chronister	Clark	DeCamp	Eret	Fenger
Goll	Goodrich	Haberman	Hefner	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Vickers	Von Minden	Warner	Wesely	Wiitala
Withem				

Voting in the negative, 0.

Present and not voting, 1:

Fowler

Excused and not voting, 7:

Barrett Cullan Hannibal Higgins Hoagland
Labedz Wagner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Members Excused

Messrs. Haberman, DeCamp, and Mrs. Morehead asked unanimous consent to be excused until they return. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 101. Read. Considered.

LR 101 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 140.

Introduced by Fowler, 27th District.

PURPOSE: The purpose of this resolution is to study malpractice and professional and commercial liability laws as they pertain to citizens and industries in the State of Nebraska.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purpose of this resolution.

2. That the Banking, Commerce and Insurance Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION - Return LB 608 to Select File

Mr. Warner moved to return LB 608 to Select File for the following specific amendment:
PURPOSE: To reduce the appropriation for the Tax Commissioner's salary and benefits to reflect the revised salary policy.

AMENDMENT:
In the final reading copy on page 3, line 23, strike "49,051" and insert "48,179".

The motion to return prevailed with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 608. The Warner specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 607 to Select File

Mr. Warner moved to return LB 607 to Select File for the specific amendment found in the Journal on page 1541.

The motion to return prevailed with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 607. The Warner specific amendment found in the Journal on page 1541 was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 607 to Select File

Mr. Warner moved to return LB 607 to Select File for his specific amendment, AM1303, found in the Journal on page 2038.

Mr. Warner moved for a Call of the House. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

The motion to return prevailed with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 607. The Warner specific amendment, AM1303, found in the Journal on page 2038 was adopted with 26 ayes, 0 nays, 13

present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

The Chair declared the Call raised.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 607 to Select File

Mr. Warner moved to return LB 607 to Select File for the following specific Carsten amendment:
Strike original section 2.

The motion to return prevailed with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 607. The Carsten specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

ATTORNEY GENERAL'S OPINION

Opinion No. 106
May 6, 1983

Dear Senator Haberman:

You have inquired whether amendment No. 1368 to LB 356 conforms with the conflict of interest requirements set forth in section 304 (h)(2)(D) of the Federal Water Pollution Control Act, in reference to the selection of a director for the Department of Environmental Control.

Section 304 (h)(2)(D) provides that prior employment with a state department or agency or by a municipality, which includes cities and counties, does not disqualify such an individual for purposes of

approval of the state permit program. The proposed amendment to LB 356 would add language to the effect that the restrictions regarding the receipt of income from permit holders does not apply to employees of any agency of the State of Nebraska or any political subdivision which may be a permit holder under the Environmental Protection Act. The additional language contained in the amendment would thus seem to conform this act with the provisions of section 304 (h)(2)(D) of the Federal Water Pollution Control Act and thus permit a former state or municipal employee to be employed as the Director of the Department of Environmental Control.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:ejg
cc: Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTIONS

LEGISLATIVE RESOLUTION 141.

Introduced by Chambers, 11th District; Pappas, 42nd District.

PURPOSE:

To study the procedure utilized by the Nebraska courts in sentencing persons convicted of criminal offenses and possible reforms of the procedure. Said study shall include, but not be limited to, the following:

1. Any discrimination of the sentences of those convicted of a crime based on race, color, creed, sex, national origin, religion or any other arbitrary or capricious basis.

2. The discrepancies in sentences for similar offenses under similar conditions throughout the state.

3. Discrepancies of sentencing within the same judicial district for similar offenses under similar conditions.

4. The facts and circumstances that the court uses in determining the sentence.

5. The criminal sentencing procedures used by other jurisdictions.

6. The work load of the courts on all levels in each district and if that work load has any impact or effect on the sentencing of convicted persons.

Said study shall include input from all interested persons and organizations.

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

1. The Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. The committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 142.

Introduced by Chambers, 11th District; Pappas, 42nd District.

PURPOSE:

To study the correctional institutions under the direction or control of the Nebraska Department of Correctional Services. This study should be a thorough study of all correctional institutions under the direction or control of the Department of Correctional Services. The study should include, but not be limited to the following:

1. If overcrowded conditions exist in any of the institutions, and the housing and space needs of the correctional institutions.

2. The living conditions of the inmates.

3. The grievence procedures that have been established for the inmates and the effectiveness and equity of said procedures.

4. Treatment of the inmates by correctional officials, including wardens, guards and other personnel.

5. Any possible discrimination in the treatment of any inmates.

6. Any grievences that inmates might have and to study those grievences.

Said study should include input from inmates, guards, correctional officials, experts and the public.

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

1. The Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. The committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 143.

Introduced by Schmit, 23rd District.

PURPOSE:

To address issues of concern to the citizenry of the State of Nebraska with regard to the transportation of people, commodities, raw materials, and manufactured goods via our roads, highways, bridges, pipelines, railroads, and other means. Such a study should include an examination of the differing transportation needs of rural and urban communities, with particular emphasis on rail transportation and revitalization of rural branch lines, pipeline transport of raw materials, urban freeway needs, such as Omaha's North Freeway, and present and impending problems of quality control evidenced by the rapid deterioration of various roads and highways.

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

1. That the Public Works Committee of the Legislature be designated to conduct an interim study to carry out the purposes of the resolution.

2. That the committee shall upon the conclusion of its study, make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 144.

Introduced by Schmit, 23rd District.

PURPOSE:

To address issues relating to the conservation, utilization, management, and development of Nebraska's soil and water resources, including:

1. water quality concerns;
2. interstate conflicts over water use;
3. funding for water projects;
4. instream flows;
5. preferences in the use of water;
6. Natural Resources District elections;
7. soil erosion problems;
8. effects of the PIK program on soil and water resources; and
9. any other related issues.

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

1. That the Public Works Committee of the Legislature be designated to conduct an interim study to carry out the purposes of the resolution.

2. That the committee shall upon the conclusion of its study, make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATURE RESOLUTION 145.

Introduced by the Business and Labor Committee: Barrett, 39th District, Chairperson; Wiitala, 31st District; R. Peterson, 21st District; Eret, 32nd District; Fowler, 27th District; Goll, 16th District.

PURPOSE:

The purpose of this interim study is to examine issues involving determination of employer-employee status under the Nebraska Employment Security Law and possible amendments to the "ABC Test" in section 48-604(5), in light of recent statutory and case law developments.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Business and Labor Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 146.

Introduced by Business and Labor Committee: Barrett, 39th District, Chairperson; Wiitala, 31st District; R. Peterson, 21st District, Eret, 32nd District; Fowler, 27th District; Goll, 16th District.

PURPOSE:

The purpose of this interim study is to examine possible amendments to the Nebraska Employment Security Law in response to recent amendments to the Federal Unemployment Tax Act, including changes in the rates of employer contributions.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of

this resolution.

2. That the Business and Labor Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 147.

Introduced by Business and Labor Committee: Barrett, 39th District, Chairperson; Wiitala, 31st District; R. Peterson, 21st District, Eret, 32nd District; Fowler, 27th District; Goll, 16th District.

PURPOSE:

The purpose of this interim study is to examine possible legislation in response to issues raised in LB 567, which proposed requiring larger employers, who close or reduce operations, to give notice and provide certain employee benefits in order to ease the economic dislocation suffered by affected communities and employees.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Business and Labor Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 148.

Introduced by Business and Labor Committee: Barrett, 39th District, Chairperson; Wiitala, 31st District; R. Peterson, 21st District, Eret, 32nd District; Fowler, 27th District.

PURPOSE:

The purpose of this interim study is to examine the need for legislation in response to concerns raised by LB 280, which proposes to provide employees with rights to information from employers regarding toxic substances used or produced in the workplace.

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

1. That the Business and Labor Committee of the Legislature shall

be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Business and Labor Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

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 5, 1983. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Green, John K. - Omaha, Nelson & Harding
Kunz, David N. - Lincoln, Flex-O-Lite, Division Lukens General Industries

UNANIMOUS CONSENT - Withdraw Amendment to LB 618

Mr. DeCamp asked unanimous consent to withdraw his pending amendments, AM1211, found in the Journal on page 1651 and, AM1158, found in the Journal on page 1555 to LB 618. No objections. So ordered.

MOTION - Return LB 618 to Select File

Messrs. Warner and Wesely moved to return LB 618 to Select File for their specific amendment, AM1361, found in the Journal on page 1967.

Mr. Fenger requested a ruling of the Chair on whether the amendment is germane to the bill.

The Chair ruled the amendment not germane to the bill.

Mr. Warner challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Sieck asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mrs. Marsh requested a roll call vote on the motion to overrule the Chair.

Voting in the affirmative, 15:

Fowler	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Landis	Marsh	Morehead	Newell	Pirsch
Rupp	Schmit	Warner	Wesely	Withem

Voting in the negative, 21:

Abboud	Beutler	Beyer	Chambers	Chronister
Clark	Eret	Fenger	Goll	Haberman
Hefner	Jacobson	Johnson, L.	Lamb	Lundy
Nichol	Peterson, H.	Peterson, R.	Remmers	Vickers
Von Minden				

Present and not voting, 5:

Carsten	DeCamp	Goodrich	Hannibal	Wiitala

Excused and not voting, 8:

Barrett	Cullan	Higgins	Hoagland	Labedz
Pappas	Sieck	Wagner		

The motion to overrule the Chair lost with 15 ayes, 21 nays, 5 present and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

MOTION - Suspend Rules

Messrs. Wesely and Warner moved to suspend the rules, Rule 7, Section 3(d), to permit consideration of the Warner-Wesely amendment to LB 618 found in the Journal on page 1967.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

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

Voting in the affirmative, 21:

Beutler	Carsten	Fowler	Hannibal	Johnson, V.
Kahle	Kilgarin	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pirsch	Rupp
Schmit	Vickers	Warner	Wesely	Wiitala
Withem				

Voting in the negative, 17:

Abboud	Beyer	Chambers	Chronister	Clark
Eret	Fenger	Goll	Haberman	Hefner
Jacobson	Johnson, L.	Lamb	Peterson, H.	Peterson, R.
Remmers	Von Minden			

Present and not voting, 2:

DeCamp Goodrich

Excused and not voting, 9:

Barrett	Cullan	Higgins	Hoagland	Johnson, R.
Labedz	Pappas	Sieck	Wagner	

The Wesely-Warner motion to suspend the rules lost with 21 ayes, 17 nays, 2 present and not voting, and 9 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 146 in the Journal. No objections. So ordered.

AM1427

1. On page 7, line 15, after the period insert "The medical history shall not include the names of the biological parents of the adopted person or the place of birth of the adopted person.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 149.

Introduced by Pirsch, 10th District.

PURPOSE: Mental health experts and lay persons are concerned about the role of psychiatric testimony in criminal cases when the defendant has entered a plea of not responsible by reason of insanity. Confusion over conflicting expert testimony causes jurors to disregard psychiatrists and rely on their own ideas about insanity. The purpose of this study is to consider the proper role of psychiatric testimony on the question of insanity in criminal cases. In order to accomplish this purpose, the following topics shall be studied:

(1) Minimum standards for the psychological and medical examinations on which expert testimony is based;

(2) Minimum guidelines for the types of psychiatric testimony which may be introduced into evidence;

(3) Prohibiting psychiatrists from making conclusionary statements as to legal insanity which are matters for juries to decide; and

(4) Any other matters necessary for a complete analysis of the issue.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council prior to the commencement of the 1984 legislative session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 150.

Introduced by Hoagland, 6th District.

PURPOSE: The purpose of this resolution is to study and evaluate the current method of handling child custody and child support cases within our state court system and study the feasibility of creating an alternative system that allows psychologists, social workers, or others trained in child development to make child support and child custody decisions, subject to judicial review.

Specifically, the study shall include:

(1) Whether the large backlog of child support and child custody cases currently existing in our courts creates a strain on the judges handling such cases;

(2) Whether, due to the backlog, coupled with the need for the

expeditious settlements of such cases, a child's best interests are truly served;

(3) Whether creating an alternative system which allows psychologists, social workers, and others trained in child development to make decisions, subject to judicial review, regarding child support and child custody would ease the backlog of court cases, serve the best interests of the child, and be economically feasible; and

(4) Whether any similar alternative systems exist in other states, are successful, and can be incorporated or adopted by the State of Nebraska.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committtee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 151.

Introduced by V. Johnson, 8th District.

PURPOSE: In many instances families are unable to afford to buy their own homes. Restrictive rental practices in Nebraska limit the housing choices of families with children. These families are often forced to look longer, pay higher rents, and/or move into less desirable areas because of these practices.

The purpose of this study is to investigate the issues of restrictive rental practices in Nebraska, limiting the housing choices of families with children, and whether these restrictive practices violate the human rights of individuals on the basis of their status as a family. The study shall consider actions taken by other state legislatures to protect the rights of families as well as landlords and other tenants of rental housing.

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

1. That a committee of the Legislature shall be designated to conduct an interim study and to hold any public hearings as necessary to carry out the purposes of this resolution.

2. That the committee shall, upon the conclusion of the study, make a report of its findings, together with its recommendations, to the

Legislative Council prior to the commencement of the 1984 legislative session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 152.

Introduced by the Agriculture and Environment Committee: Haberman, 44th District, Chairperson; Remmers, 1st District; Pirsch, 10th District; Eret, 32nd District; Chronister, 18th District; R. Peterson, 21st District; Wiitala, 31st District.

PURPOSE:

The purpose of this resolution is to give guidance to the Agriculture and Environment Committee in its interim activities when dealing with issues of crucial importance to agriculture in the State of Nebraska.

Among matters of great concern to agriculture in Nebraska and the areas to which the committee should direct its activities are the following:

1) The establishment of fees by the Public Service Commission which are charged by state licensed grain storage warehouses.

2) The establishment of fees charged under the weight and measures law by regulation, rather than by statute as proposed by LB 580.

3) The establishment of idle service or standby charges charged to irrigators by Rural Electric Associations.

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

1) That the Agriculture and Environment Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2) That the committee shall upon the conclusion of its study, make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 153.

Introduced by the Agriculture and Environment Committee: Haberman, 44th District, Chairperson; Remmers, 1st District; Pirsch, 10th District; Eret, 32nd District; Chronister, 18th District; R. Peterson, 21st District; Wiitala, 31st District.

PURPOSE:
The purpose of this interim study resolution is to examine the marketing and promotion of Nebraska's agricultural commodities. The study would examine the current organization of the Agriculture Department's marketing division and consider possible alternatives, including the transfer of the division to the Department of Economic Development.

The study would also examine the commodity boards established by the Legislature to determine if legislation should be developed which will increase the ability of the boards to promote Nebraska agricultural commodities.

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

1) That the Agriculture and Environment Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2) That the committee shall upon the conclusion of its study, make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 154.

Introduced by the Agriculture and Environment Committee: Haberman, 44th District, Chairperson; Remmers, 1st District; Pirsch, 10th District; Eret, 32nd District; Chronister, 18th District; R. Peterson, 21st District; Wiitala, 31st District.

WHEREAS, the government of the State of Nebraska and its public service agencies are funded primarily from the general fund; and

WHEREAS, the general fund accrues primarily from a state income tax and a state sales tax; and

WHEREAS, the incomes of residents and corporations and the sales of manufactured and processed goods in Nebraska predominately emanate from the proceeds of marketing of agricultural commodities; and

WHEREAS, the proceeds from the marketing of grain in Nebraska represent a large portion of the annual sale of agricultural commodities; and

WHEREAS, the market price of grain has been less than the production costs published by the University of Nebraska; and

WHEREAS, the real average net income of the 63,000 farms in Nebraska has been a negative balance for the past two years; and

WHEREAS, the Agriculture and Environment Committee of the

Legislature has before it LB 55 to increase grain prices by establishing a pricing directory for grain to advertise (1) asking prices by producers and owners selling through licensed dealers and (2) offering price by licensed grain dealers.

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

1. That the Agriculture and Environment Committee of the Legislature be designated to conduct a study on carrying out the intent of this resolution to recommend establishing a Nebraska weekly commodity pricing directory for wheat, corn, grain sorghum and soybeans that shall list (1) the asking prices of grain offered for sale through and (2) the spot cash prices offered for grain by Nebraska holders of public grain warehouse licenses and grain buyers and sellers licenses.

2. That the Agriculture and Environment Committee upon the conclusion of its study, make a report of its findings, together with its recommendations, to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 155.

Introduced by Hoagland, 6th District; Beutler, 28th District.

The purpose of this resolution is to:

(1) Study the increase in the amount of violence and lawlessness of extremist hate groups and the extent to which these groups are engaged in paramilitary training;

(2) Study current Nebraska law to determine whether such law is adequate to cover the paramilitary training by extremist hate groups and to determine whether such law is adequate to restrict any acts of religious and racial terrorism, including murder, bombings, assault with deadly weapons, and arson, which may result from activities of paramilitary organizations; and

(3) Study the model statute drafted by the Anti-Defamation League of the B'nai B'rith and the Nebraska version of such statute represented by Legislative Bill 42, Eighty-eighth Legislature, First Session, to determine whether such statute would more specifically control paramilitary training in this state and would substantially eliminate the possibility of violence and tragedy that would surely result from any unrestrained activity of paramilitary organizations.

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

1. That the Government, Military, and Veterans Affairs

Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Government, Military, and Veterans Affairs Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 214, 326, 573, and 573A.

MOTION - Suspend Rules

Mr. Warner moved to suspend the rules, Rule 7, Sec 3(d) to permit consideration of the Warner amendment (AM1207), found on page 1612 of the Journal, to LB 618.

MR. BEUTLER PRESIDING

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Wesely moved for a Call of the House. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Mr. Wesely requested a roll call vote on the motion to suspend the rules.

Voting in the affirmative, 20:

Beutler	Carsten	Fowler	Hannibal	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Landis	Marsh
Morehead	Newell	Nichol	Rupp	Schmit
Vickers	Warner	Wesely	Wiitala	Withem

Voting in the negative, 18:

Abboud	Beyer	Chambers	Chronister	Clark
Eret	Fenger	Goll	Haberman	Hefner

Jacobson	Johnson, L.	Lamb	Lundy	Peterson, H.
Peterson, R.	Remmers	Von Minden		

Present and not voting, 2:

Goodrich Pirsch

Excused and not voting, 9:

Barrett	Cullan	DeCamp	Higgins	Hoagland
Labedz	Pappas	Sieck	Wagner	

The Warner motion to suspend the rules lost with 20 ayes, 18 nays, 2 present and not voting, and 9 excused and not voting.

The Chair declared the Call raised.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 6, 1983, at 11:30 a.m., were the following bills: 214, 326, 573, and 573A.

(Signed) Jan Loder, Enrolling Clerk

RESOLUTIONS

LEGISLATIVE RESOLUTION 156.

Introduced by Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Sieck, 24th District; Rupp, 22nd District; Carsten, 2nd District; Jacobson, 33rd District; Abboud, 12th District; Fowler, 27th District.

PURPOSE:

To undertake a study relating to Article XIII, Section 3, of the Constitution of Nebraska. This study will attempt to determine whether the provision prohibiting the giving of credit by the state should be amended so that economic development could be enhanced in Nebraska.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the

Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 157.

Introduced by Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Sieck, 24th District; Rupp, 22nd District, Carsten, 2nd District; Jacobson, 33rd District; Abboud, 12th District; Fowler, 27th District.

PURPOSE:

To undertake a study relating to an income tax check-off program for the purpose of propagating and protecting nongame wildlife in the State of Nebraska. The study will focus on whether such a check-off program is feasible, the costs versus the benefits of a checkoff, the uses for revenues which might be collected by such a program, and any other issues which logically relate to an income tax check-off program.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 158.

Introduced by Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Sieck, 24th District; Rupp, 22nd District, Carsten, 2nd District; Jacobson, 33rd District; Abboud, 12th District; Fowler, 27th District.

PURPOSE:

To study the issue of placing a uniform constitutional limitation upon the amount of ad valorem taxes which political subdivisions could levy against property. Issues to be studied include (1) the effect on political subdivisions if a constitutional lid is placed upon ad valorem tax collections; (2) the effect upon income and sales tax rates if revenue lost to political subdivisions because of a constitutional lid is to be reimbursed by the state; (3) permissible methods of allocation procedures to be used by the several political subdivisions which tax specific property; and (4) all other issues which would arise by virtue of

a property tax lid.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 159.

Introduced by Hoagland, 6th District.

PURPOSE: To study alternative methods of organization and structure for governing Nebraska's postsecondary school institutions.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its finding, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 160.

Introduced by Sieck, 24th District; Lamb, 43rd District.

PURPOSE:

To undertake a study relating to landowner compensation in the area of game management, and to determine whether habitat fund money should be used for land acquisition. The study will review the free or reduced-price permits now offered to landowners and will study e feasi the feasibility of alternative forms of landowner compensation.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the

Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 161.

Introduced by Schmit, 23rd District.

PURPOSE:

To study issues relating to the public power industry and power consumers in the State of Nebraska, including investigations into the operations of the various power districts in the state, citizen representation, input, and accessibility, short and long term usage and cost projection problems, impacts of the PIK program on rural electric users and suppliers, and other related issues.

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

1. That the Public Works Committee of the Legislature be designated to conduct an interim study to carry out the purposes of the resolution.

2. That the committee shall upon the conclusion of its study, make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 162.

Introduced by Newell, 13th District.

PURPOSE: The purpose of this resolution is to study concepts and measures, i.e., Urban Enterprise zoning, used by other states to encourage the development of older communities. Such study shall recommend the concepts and measures which would best result in the develoment of older communities throughout Nebraska. Additionally, this study shall examine the effect that programs like tax incentives, business tax credits, and other financial impetuses have on the promotion of economic redevelopment and reinvestment in older communities and the effect these efforts would have on our center cities.

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

1. That Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That Urban Affairs Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 163.

Introduced by Newell, 13th District.

PURPOSE: The purpose of this resolution is to study the effectiveness of Community Development Block Grants for the redevelopment and the reinvestment in center cities and the effect that the present implementation and administrative guidelines have on urban infill and overall comprehensive planning. The study shall compare the use of Community Development Block Grants in the cities of Omaha and Lincoln as well as cities of the first and second class and shall examine what other communities outside the state are doing in this area.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Urban Affairs Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 164.

Introduced by Newell, 13th District.

PURPOSE: The purpose of this resolution is to study on a statewide basis, financing mechanicsms available to provide affordable fair housing for low and moderate income families, including but not limited to: Pension fund investments, use of community block grants and other private-public cooperative ventures to maintain home value, to encourage urban infill, and to consider the effect such mechanisms have on the location of commercial, industrial, manufacturing, and retailing enterprises.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Urban Affairs Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 165.

Introduced by V. Johnson, 8th District.

PURPOSE: The purpose of this resolution is to study the effects which Nebraska's unique nonpartisan Unicameral legislative system has on the state decision-making process. This study should examine the process of bill passage, coalition formation among senators, the relationship of the Legislature with the executive branch, public access to decision- making, and the influence of lobbyists. The Unicameral should be compared with other state legislatures and with other types of representative bodies.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 166.

Introduced by Revenue Committee: Carsten, 2nd District, Chairperson; Lundy, 36th District; V. Johnson, 8th District; Sieck, 24th District; Hefner, 19th District; Landis, 46th District; Hannibal, 4th District.

PURPOSE: To undertake a study & general review of the current status of property valuation and equalization in Nebraska. The study will review the adequacy of present laws on the subject and the current adequacy of the implementation and enforcement of those laws by the counties and the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA,

FIRST SESSION:

1. That the Revenue Committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 167.

Introduced by the Revenue Committee: Carsten, 2nd District, Chairperson; Lundy, 36th District; V. Johnson, 8th District; Sieck, 24th District; Hefner, 19th District; Landis, 46th District; Hannibal, 4th District.

PURPOSE: To undertake a study of methods of providing property tax relief. The study will be held in connection with LB 586 and amendments thereto, but will also consider other options for providing property tax relief, including, but not limited to, expanded authority for local governments to levy taxes other than property taxes, expanded homestead exemptions, and property tax levy lids.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 168.

Introduced by the Revenue Committee: Carsten, 2nd District, Chairperson; Lundy, 36th District; V. Johnson, 8th District; Sieck, 24th District; Hefner, 19th District; Landis, 46th District; Hannibal, 4th District.

PURPOSE: To undertake a study and examination of the State of Nebraska's present "piggyback" income tax and the feasibility and desirability of modifying the state income tax in order to prevent dramatic changes in the state's tax base as a result of Congressional decisions based on federal fiscal policy. The study will be held in

connection with LB 364 but will consider a broad range of the various options available.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 169.

Introduced by the Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Haberman, 44th District; Remmers, 1st District; Newell, 13th District; Schmit, 23rd District; Beyer, 3rd District.

PURPOSE: The purpose of this resolution is to review and evaluate the implementation and effects of Legislative Bill 868, Eighty-seventh Legislature, Second Session, 1982. The study shall include, but not be limited to the:

(1) Financial status of sanitary and improvement districts in Nebraska;

(2) Payment or nonpayment of delinquent Type I warrants by sanitary and improvement districts as required by LB 868; and

(3) Effectiveness of the administrator system authorized by LB 868.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION: 1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Banking, Commerce and Insurance Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Member Excused

Mr. Beyer asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

UNANIMOUS CONSENT - Expedite LB 363

Mr. Newell asked unanimous consent to expedite LB 363. No objections. So ordered.

VISITORS

Visitors to the Chamber were 84 fourth grade students and teacher from Papillion; 22 fifth and sixth grade students and teacher from Monroe Public School, Monroe; 75 fourth grade students, teachers, and sponsors from LaVista West School, Omaha; Mrs. David Filipi and children; 20 sixth grade students and teachers from Park Elementary School, Lincoln; 20 students and teacher from District 36, Otoe County; and 20 eighth grade students and teacher from Bassett Grade School, Bassett.

RECESS

Mr. Fenger requested a machine vote on the motion to recess.

The motion prevailed with 16 ayes, 9 nays, and 24 not voting.

At 11:56 a.m., on a motion by Speaker Nichol, the Legislature recessed until 1:30 a.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m, Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Barrett, Cullan, Hoagland, Landis, Wagner, Mesdames Higgins, Labedz, and Miss Kilgarin who were excused; and Messrs. Abboud, Beyer, Chronister, Clark, Lundy, Newell, Pappas, Schmit, Sieck, Mesdames Marsh, and Pirsch who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 429. Considered.

Mr. DeCamp offered the following Newell amendment:
Strike the word "fifty" on pp 2 Line 25 and reinsert "thirty."

The Newell amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Mr. Remmers moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Remmers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 24:

Abboud	Carsten	Chronister	DeCamp	Eret
Fenger	Goll	Goodrich	Haberman	Hefner
Jacobson	Johnson, L.	Johnson, R.	Lamb	Morehead
Nichol	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Vickers	Von Minden	Withem	

Voting in the negative, 10:

Fowler	Hannibal	Johnson, V.	Kahle	Lundy
Marsh	Schmit	Warner	Wesely	Wiitala

Present and not voting, 3:

Beutler	Chambers	Newell

Excused and not voting, 12:

Barrett	Beyer	Clark	Cullan	Higgins
Hoagland	Kilgarin	Labedz	Landis	Pappas
Sieck	Wagner			

Failed to advance to E & R for Review with 24 ayes, 10 nays, 3 present and not voting, and 12 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 228. Title read. Considered.

Standing Committee amendments, AM1140, printed separate from the Journal and referred to on page 1566 for the Sixty-Sixth Day were considered.

Mr. Carsten renewed his pending amendment, AM1392, found in the Journal on page 1946 to the Standing committee amendments.

The Carsten amendment was adopted with 14 ayes, 0 nays, 23 present and not voting, and 12 excused and not voting.

The Standing Committee amendments, as amended, were adopted with

29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 25 ayes, 8 nays, 5 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 447. Title read. Considered.

Standing Committee amendments, AM0875, printed separate from the Journal and referred to on page 1133 were considered.

Mr. Beutler renewed his pending amendment, AM1166, found in the Journal on page 1614 to the Standing Committee amendments.

The Beutler amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

The Standing Committee amendments, as amended, 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, 13 present and not voting, and 11 excused and not voting.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 628.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 628

The following changes, required to be reported for publication in the Journal, have been made:
ER0102

1. On page 1, line 1, "relating to funds;" has been inserted after "ACT"; and in line 4 "to provide for certain transfers; to repeal section 27, LB 602, Eighty-eighth Legislature, First Session, 1983," has been inserted after the semicolon.

2. On page 130, line 17 has been stricken.

3. The section added by the Wesely amendment on page 1711 of the Journal has been numbered as section 94.

4. The sections added by the Warner amendment on page 2018 of

the Journal have been numbered sections 95 and 98 respectively; and the second Warner amendment has been stricken.

5. In the DeCamp, et al amendment, page 83, line 8, "18,487,648" has been stricken and "18,437,648" has been inserted.

(Signed) Tristi J. Wilson
E & R Attorney

ANNOUNCEMENT

Mr. Fowler announced the Nebraska Retirement Systems Committee will hold an Executive Session on Monday, May 9, 1983, at 10:30 a.m., under the north balcony of the Legislative Chambers.

RESOLUTIONS

LEGISLATIVE RESOLUTION 170.

Introduced by Kilgarin, 7th District.

PURPOSE:

In 1980, the Nebraska Legislature, through adoption of LB 646, found and declared alcoholism to be a disease "highly disruptive of family life" and that insurance coverage for treatment should be offered to group subscribers and insureds. Questions have since arisen whether optional insurance coverage for alcoholism has in fact fully allowed all opportunities for treatment of alcoholism when treatment is desired by group subscribers and insureds. The subsequent purpose of this resolution is to study the fulfillment of legislative findings by reviewing the issue of mandating insurance coverage for alcoholism, and, such a study should address:

1. Requiring insurance coverage for treatment of alcoholism.

2. Treatment services which should be included under mandatory coverage.

3. The extent and costs of alcoholism remaining untreated under optional coverage, and, those costs as compared to costs of requiring insurance coverage for treatment of alcoholism.

4. Programs and costs of other states which have implemented mandatory coverage.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this Resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the

Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 171.

Introduced by Fowler, 27th District; Newell, 13th District.

PURPOSE: The purpose of this study is to research, study and evaluate alternatives for cost-containment and cost-reduction measures under the Title XIX Medical Assistance (Medicaid) program in order to develop recommendations for legislation to be introduced in the 1984 legislative session. To accomplish this purpose, the following topics shall be studied.

(1) Medical assistance laws of other states.

(2) Current program services, eligibility and utilization, including type of client served.

(3) Potential for reduction of optional program services.

(4) Potential for implementation of contract service, copayment or deductible, rate negotiation and family contribution options.

(5) Any other matters necessary for a complete analysis of this issue.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study and to hold any public hearings necessary to carry out the purposes of this resolution.

2. That the Appropriations Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council prior to the commencement of the 1984 legislative session.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendment to LB 599 in the Journal. No objections. So ordered.

1. On page 4, line 22, strike the colon and show as stricken; and in line 22 after "shall be" insert "; provided, that if the acquisition of the target company's securities is subject to the requirements of Section 13(d) of the Securities Exchange Act of 1934, the offeror may file a signed copy of the statements and disclosures prescribed therein in lieu of the information otherwise specified by this section 6:".

2. On page 8, line 5, after the semi-colon insert "and".
3. On page 8, strike beginning with "3" in line 6 through line 11.
4. On page 8, line 12, strike "(4)" and insert "(3)".
5. On page 9, line 4, after "injunction." insert "Any injunction issued this Act may only enjoin offers to or purchases from Nebraska residents pursurant to a takeover bid."

RESOLUTIONS

LEGISLATIVE RESOLUTION 172.

Introduced by Nebraska Retirement Systems Committee: Fowler, 27th District, Chairperson; Warner, 25th District; Vickers, 38th District; Goodrich, 20th District; Schmit, 23rd District; Wesely, 26th District.

PURPOSE: The purpose of this resolution is to study the adequacy of current retirement plans for county law enforcement personnel and to develop legislation for a retirement plan which is more appropriate for public safety personnel.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study and hold any public hearings necessary to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council prior to the commencement of the 1984 legislative session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 173.

Introduced by Nebraska Retirement Systems Committee: Fowler, 27th District, Chairperson; Warner, 25th District; Vickers, 38th District; Goodrich, 20th District; Schmit, 23rd District; Wesely, 26th District.

PURPOSE: During the 1980 Interim, the Retirement Systems Committee, in round-table discussions involving both employer and employee groups in public employment, reviewed and revised the General Principles of Sound Retirement Planning. These principles served as guidelines for legislation to promote consistency among the state's retirement plans.

Since that time significant changes in both Social Security and the

various statutory retirement plans have occurred. This study should further review the General Principles of Sound Retirement Planning in light of these changes and should encourage the involvement and participation of all interested parties using the round-table discussion format. Among the areas to be addressed are survivor's benefits, disability benefits, and the equitable division of retirement benefits in divorce cases. All pending legislation held in committee at the end of the 1983 legislative session should be evaluated in accordance with the revised principles.

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

1. That the Nebraska Retirement Systems Committee of the legislature shall be designated to conduct an interim study and hold any public hearings necessary to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council prior to the commencement of the 1984 legislative session.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 174.

Introduced by Nebraska Retirement Systems Committee: Fowler, 27th District, Chairperson; Warner, 25th District; Vickers, 38th District; Goodrich, 20th District; Schmit, 23rd District; Wesely, 26th District.

PURPOSE: The purpose of this resolution is to examine issues relating to the investment of funds for various state retirement plans. This study shall include the exploration of allowing retirement plan participants to select from various investment alternatives, as well as monitoring the implementation and progress of Legislative Bill 70, Eighty-eighth Legislature, First Session, 1983, which became law during the 1983 legislative session.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study and to hold any public hearings necessary to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council prior to the commencement of the 1984 legislative session.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp and Mrs. Morehead asked unanimous consent to print the following amendment to LB 59 in the Journal. No objections. So ordered.

AM1424

1. In the Morehead-DeCamp amendments on page 1929 of the Journal: (a) on page 8, strike beginning with "for" in line 10 through "earlier" in line 14, and all amendments thereto, and insert "to commence on the first day of the first month following such meeting that is at least twenty days after such meeting", (b) strike section 10 added by such amendment, and (c) strike amendment 3.

2. In the Warner amendment adopted May 3, 1983, in the last line before the quotation marks insert "The State Treasurer shall notify the Tax Commissioner within three business days when deposits in the Cash Reserve Fund equal or exceed thirty million dollars. The Tax Commissioner shall cause proper notice to be given that the tax rate will change.".

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 129 in the Journal. No objections. So ordered.

AM1435

1. Strike the Hannibal amendment adopted on March 3.

2. Insert the following new section:

"Section 1. That section 5-108, Revised Statutes Supplement, 1982, be amended to read as follows:

5-108. When any city, village, county, or school district elects members of any governing board by districts, such districts shall be substantially equal in population, as determined by the most recent federal census. Any such city, village, county, or school district in existence at the time the most recent federal census was completed shall redistrict within six months after the completion of such census and in the event it fails to do so the procedures set forth in section 5-108.02 shall be followed. Until such time as redistricting is completed pursuant to this section,

membership on the governing board shall remain on an at-large basis. The provisions of this section shall apply to all counties, notwithstanding the limitations on alteration of districts contained in section 23-151. When any new city, village, county, or school district is established or the number of board members has changed, members of the governing board shall be at large until such time as districts are established pursuant to this section.

Any city, except a city under a home rule charter, village, county, or school district electing members to its governing body at large may at a general election submit the question of electing members to its governing body by district or ward.

Any city, except a city under a home rule charter, village, county, or school district electing members to its governing body by district or ward may at a general election submit the question of electing members to its governing body at large.

Petitions for submission of the question shall be prepared, circulated, and signed by registered electors of the city, village, county, or school district desiring to change the procedures for electing its governing body. The petition or petitions shall be signed by registered electors equal in number to ~~twenty-~~ ~~five~~ seven per cent of the votes cast for the person receiving the highest number of votes in the city, village, county, or school district at the preceding general election for electing the last member or members to its governing body. Each sheet of the petition shall have printed the full and correct copy of the question as it shall appear on the official ballot. The petitions shall be filed with the county clerk or election commissioner not less than seventy days prior to the date of the general election and no signatures shall be added or removed from the petitions after they have been so filed.

If the petition or petitions are found to contain the required number of valid signatures, it shall be the duty of the county clerk or election commissioner to place the question on a separate ballot to be issued to the electors of the city, village, county, or school district entitled to vote on such question.

Any city, village, county, or school district

voting to change from electing the members of its governing body by district or ward to at large shall notify the public and instruct the filing officer to accept all filings on an at-large basis. Candidates shall be nominated and elected on an at-large basis at the next primary and general election following submission of the question.

Any city, village, county, or school district voting to change from electing the members of its governing body at large to electing by district or ward shall notify the public and instruct the filing officer to accept all filings by district or ward. Candidates shall be nominated and elected on a district or ward basis at the next primary and general election following submission of the question. When the question for district or ward elections has been approved by the majority of the electorate, the governing body of any city, village, county, or school district approving such question shall establish districts substantially equal in population as determined by the most recent federal census.

Each city, except a city under a home rule charter, village, county, and school district which votes to elect members to its governing body by district or ward shall establish districts or wards so that the members of its governing body may be nominated and elected from districts or wards bearing odd numbers at one election and from districts or wards bearing even numbers at the following election. Districts or wards shall be created not later than October 1 in the year following the general election at which the question was voted upon. If the governing body fails to redistrict by October 1, any registered elector or group of registered electors may file suit in the proper court of the county for removal of the governing body for failure to comply with the provisions of this section. All vacancies because of removal shall be filled as provided by law.".

3. On page 2, line 22, strike beginning with the first "or" through "more"; and in line 24 strike beginning with "and" through "thousand".

4. On page 3, line 12, after "law" insert ", except that in all counties having a population greater than three hundred thousand, it shall be the duty of the county board to divide such county into five

commissioner districts by October 1, 1985".

5. On page 4, lines 12 and 13, strike the new matter and reinstate the old matter; in line 20 strike "section" and insert "sections 5-108 and "; and in line 21 strike "is" and insert "are".

6. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 457. Placed on General File.
LEGISLATIVE BILL 450. Placed on General File.

LEGISLATIVE BILL 321. Placed on General File as amended.
Standing Committee amendments to LB 321:
AM0556

1. On page 2, line 12, strike "(a)" and "between"; and strike the new matter in lines 13 through 16.

2. On page 3, line 9, strike "persons retiring" and insert "members with five years of creditable service and who first become eligible to retire upon attaining age sixty- five"; in line 12, strike "1964" and insert "1968" and strike "twenty- five" and insert "forty"; in line 13 strike "thousandths" and insert "hundredths"; in line 14 strike "five hundred" and insert "fifty- eight hundredths"; in line 15 strike "fifty thousandths"; in line 16 strike "July 1, 1956" and insert "September 1, 1951" and strike "five"; in line 17 strike "hundred seventy- five thousandths" and insert "sixty- two hundredths"; in line 18, strike the second "July" and insert "September"; in line 19 strike "sixty" and insert "sixty- five"; in line 22 before "the" insert "If"; and reinstate the stricken matter beginning with "the" in line 22 through the period in line 26; and in line 26 after the reinstated "member" insert ", except that when the member has completed thirty- five years of creditable service, no reduction in the benefit amount shall apply, regardless of the age of retirement".

3. On page 4, line 10, after the stricken period insert "A member must have acquired the equivalent of one half year of service or more as a public school employee under the school retirement system following the effective date of this act, to be

eligible for computation of his or her formula annuity using the formula percentages provided in this section.".

4. On page 6, strike the new matter in lines 13 and 14; in line 24, after "be" insert "based on the year in which the member first becomes eligible to retire upon attaining age sixty- five with five years of creditable service and shall be"; in line 25 strike "retiring" and insert "first eligible to retire"; in line 26 strike "four and twenty" and insert "three and ninety"; and in line 27 strike "retiring" and insert "first eligible to retire".

5. On page 7, line 1, strike "eighty" and insert "thirty"; in line 3 strike "five and forty" and insert "four and eighty"; in line 5, strike "six" and insert "five and twenty hundredths"; and in lines 2, 4, and 5, strike "retiring" and insert "first eligible to retire".

6. On page 9, line 17, after "to" insert "seventy- five hundredths per cent of the compensation of all members of the retirement system for each fiscal year between July 1, 1984, and June 30, 1986, and"; and in line 18 after "system" insert "for" and after "year" insert "commencing on or after July 1, 1986".

7. Insert the following new section:

"Sec. 6. For purposes of subdivision (2) of section 77- 3424, new program shall include any additional amount a Class I, II, III, IV, or VI school district contributes to a retirement system established pursuant to Chapter 79, article 15, if the funding by the school district is increased as a result of this act.".

8. Strike original section 7.

9. Renumber original section 6 as section 7.

(Signed) Steve Fowler, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 59 in the Journal. No objections. So ordered.

AM1433

1. On page 6, line 5, strike "and" and show as stricken; in line 18 after "changed" insert "and (d) within ten days after the effective date of any change

in federal income tax rates which occurs in July 1983. The meeting required by subdivision (d) of this subsection shall be held to adjust income and franchise tax rates in order to insure stability and predictability in state financial matters and the changes made at such meeting shall adjust the income tax rate so that the total income and franchise taxes levied shall as nearly as possible equal the income and franchise taxes which would have been levied if there had been no change in the federal rates".

Mr. Schmit asked unanimous consent to print the following amendment to LB 118 in the Journal. No objections. So ordered.

AM1421

1. Strike the Sieck, Chambers-Beyer (originally Carsten-Marsh), Beyer, Chambers amendments adopted on April 19 and the R. Johnson and Hannibal amendments, adopted on May 3.

2. In the E & R amendments (a) on page 1, strike lines 1 through 6; strike beginning with "4" in line 8 through "line" in line 9; and strike lines 13 and 14; and (b) on page 2, strike beginning with the second "to" in line 1 through the semicolon in line 2; strike beginning with the second "to" in line 3 through the first semicolon in line 4; and strike beginning with the comma in line 5 through "1943" in line 7.

3. On page 2, line 11, strike "words Cornhusker State", show as stricken, and insert "word Nebraska".

RESOLUTIONS

LEGISLATIVE RESOLUTION 175.

Introduced by Wesely, 26th District.

PURPOSE:

A severance tax is a unique tax when compared to Nebraska's other taxes, and there has been considerable legislation related to severance taxes proposed in the Nebraska Legislature in 1980, 1981, 1982, and 1983.

The proposed severance tax legislation has created considerable controversy and confusion among the members of the legislature, the oil and natural gas industry, and members of the general public. Numerous questions and disputed points remain related to the issue of

severance tax.

It is in the interest of the State of Nebraska to develop a fair and workable severance tax policy that is consistent with the original intent of LB 216 (1955) that created Nebraska's severance tax policy. It is also in the interest of all Nebraskans to have an independent and objective identification of pertinent issues, and the development of detailed information concerning these issues.

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

1. That the Revenue Committee of the Nebraska Legislature be designated to conduct an interim study into the questions surrounding Nebraska's severance tax policy.

2. That the Revenue Committee create a study task force composed of representative(s) from the oil exploration, development, and production industry; the natural gas exploration, development, and production industry; the general public; primary and secondary education system; the Oil and Gas Conservation Commission; Nebraska Energy Office; Department of Revenue; Legislative Research Office; and other interested parties deemed appropriate.

3. That the Revenue Committee shall upon conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council and the Nebraska Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 176.

Introduced by Wesely, 26th District.

PURPOSE: The purpose of this resolution is to study the differences between financing by mortgage and financing by trust deed. With the current trend toward the use of trust deeds, rather than mortgages, it is necessary to compare these two forms of financing available for homeowners and other purchasers of real estate. Topics should include:

(1) Protections provided to the purchaser of property by the mortgage agreement and the trust deed.

(2) Foreclosure procedures of trust deeds and mortgages.

(3) The disclosure of differences between mortgages and trust by financial institutions, realtors, and sellers of property.

(4) Proposals for solution of any problems identified by the study.

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

1. That the Banking, Commerce, and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out

the purpose of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 177.

Introduced by Wesely, 26th District.

PURPOSE: Since 1970 the wellhead price of natural gas in Nebraska has increased by about 1,350 percent, representing a rate of increase that was six times greater than the general inflation rate. The pipeline cost for natural gas in Nebraska has increased by nearly 400 percent since 1970, twice the inflation rate. The local gas utility cost for providing natural gas to consumers has increased by nearly 160 percent in that same time, an increase about 10 percent greater than inflation.

Nebraska is currently the only state in the union that does not have any form of state level natural gas industry regulation, and one of the few states that does not represent its gas consumers before the Federal Energy Regulatory Commission.

Since the issues created by the introduction of LB122, the Public Service Intervenor Act, have not been resolved, this bill will carry over into the next session. An interim study involving consumers, the natural gas industry, the Administration, and other interested persons should be undertaken.

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

1. That the Public Works Committee be designated to conduct an interim study into the issues involved in LB122.

2. That the Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations to the Legislative Council and the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 178.

Introduced by Wesely, 26th District.

PURPOSE: Following the Arab oil embargo in 1973 the Nebraska Legislature began enacting programs to promote energy conservation, develop alcohol fuels, promote alternative energy sources, and to reduce Nebraska's vulnerability to supply disruptions and energy cost

inflation. Nearly two dozen different energy programs, and numerous new sections of law have been enacted since 1973.

Since 1973 the U.S. Government has contracted with Nebraska to provide energy programs designed to protect the poor from inflationary fuels, promote energy efficiency, and enhance the development of alternative energy resources.

Since 1980, the Research Division of the Legislative Council has reviewed these programs and prepared analysis on their performance which has resulted in recommendations that some programs be terminated, others expanded, and some changed to enhance their workability. This oversight of these energy programs administered by the state should continue.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the study be conducted by the Research Division of the Legislative Council in cooperation with interested parties.

3. That the committee shall upon the conclusion of its study make a report of its findings and recommendations to the Legislative Council and the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 179.

Introduced by Wesely, 26th District.

PURPOSE:

The Permanent School Fund was created for the purpose of providing a perpetual endowment for Nebraska's public primary and secondary schools. Since 1976 the investments made on behalf of the Permanent School Fund have not kept pace with the general inflation rate.

As of December 31, 1983 the original value of the funds in the Permanent School Fund totalled $71,547,979 and the current market value for this Fund was valued at $59,984,616, indicating this endowment has depreciated by approximately $12 million or 17 percent. It is not in the interest of Nebraska's schools to allow this perpetual endowment to continue this depreciation.

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

1. That the Revenue Committee be designated to conduct an interim study into the management of the Permanent School Fund.

2. That the Revenue Committee work with interested parties in studying this issue, including the Nebraska Investment Council, representatives of the primary and secondary public school system, and other interested parties.

3. That the committee shall upon conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council and the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 180.

Introduced by Wesely, 26th District.

PURPOSE:

To undertake a study of the costs and benefits of health care in Nebraska, to examine why the annual increase in health care costs in Nebraska exceeds the rate of increase in the Gross State Product and the average personal income, and to identify approaches to reduce the rate of increase in the cost of health care.

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

1. That the Public Health and Welfare Committee of the Legislature be designated to work with the Nebraskans for Quality and Affordable Health Care to examine issues related to the containment of rising health care costs.

2. That the task force examine:

(a) The system of reimbursement to health care providers, including cost shifting from public assistance to private pay patients.

(b) Consumer awareness of health care costs, including preventive health programs, third party payment of health care costs, and consumer access to health care cost data.

(c) The cost effectiveness of the health care system, including the structure and scope of practice of the health care system, the impact of state and federal regulation, and the use of alternative delivery systems.

3. That the task force submit a report of its findings, together with its recommendations, to the Public Health and Welfare Committee and the Legislative Council.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 181.

Introduced by Wesely, 26th District.

PURPOSE: The purpose of this study is two-fold. First, the Legislature needs to study the impact of state-aid on local subdivisions, including the impact on property taxes, on subdivision budgets, on local services provided by the subdivisions, and on the growth in local government in the state. State-aid now amounts to over half of all general fund expenditures, and its impact on local government should be studied closely.

Second, in order to accomplish the first goal and accurately measure the growth of local government in Nebraska, sound data needs to be developed on the budgets of the various subdivisions in the state — the counties, cities, school districts, and other subdivision. This data should include the total budgets for each class of subdivision as well as the revenue sources for these expenditures.

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

1. That a committee of the Legislature be designated to conduct an interim study to carry out the purposes of this Resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council and the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 182.

Introduced by Wesely, 26th District.

PURPOSE:

The huge federal deficit places Nebraska farmers and businessmen in competition with the federal government and people in other states for needed capital. This capital is essential for the growth of Nebraska's economy, to keep existing firms in the state, and to encourage new firms to locate here.

Currently state pension funds account for a sizable portion of the state's available capital. Many other states are now investing increasing portions of their state's pension funds in in-state venture capital. Such a program in Nebraska could result in higher returns on state pension fund investments, as well as more capital available to Nebraska businesses. However, such a program should present a minimum risk to the beneficiaries of those pension fund investments.

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

1. That a committee of the Legislature shall be designated to conduct an interim study on the feasibility, return, safety, and economic

advantages and disadvantages of directing more state pension fund investments into businesses within Nebraska.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council and the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 183.

Introduced by Vickers, 38th District.

Purpose:

To review the role and mission of state-supported postsecondary institutions in light of current data and future projections regarding enrollments, student characteristics and degrees granted and also to review current methods and formulas for allocation of state funds to various postsecondary institutions in light of such data and projections. The initial role and missions statement adopted in 1978 and current funding methods should be re-examined focusing on, but not limited to, the following issues:

1. The relationship between postsecondary institutions and the secondary schools in the establishment of secondary school graduation requirements and postsecondary entrance requirements;

2. The appropriate role and relationship of the secondary schools and Technical Community Colleges in regard to vocational education program responsibilities.

3. The extent and sufficiency of cooperative arrangements among postsecondary institutions and between such institutions and the secondary schools;

4. The equity and cost efficiency of formulas for allocation of state funds to postsecondary institutions in relation to factors such as per pupil costs, program offerings and responsibilities, size of institution, as well as historical and geographical considerations;

5. The responsibility for the retraining of adults by postsecondary institutions and cooperative arrangements with business, industry, and labor groups for retraining programs.

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

1. That the Education Committee shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Committee shall upon conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 184.

Introduced by Fowler, 27th District; DeCamp, 40th District.

PURPOSE: The purpose of this resolution is to study energy issues facing the State of Nebraska.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purpose of this resolution.

2. That the Banking, Commerce and Insurance Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 185.

Introduced by Haberman, 44th District.

PURPOSE:

The purpose of this interim study resolution is to examine the procedures and guidelines utilized by the Department of Roads in selecting locations where railroad crossing guards are to be placed.

The study should focus upon the amount of funds available annually for the installation of crossing guards across the state, and the order of priority given to municipalities by the Department of Roads in selecting locations for the placement of railroad crossing guards.

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

1. That a committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 186.

Introduced by Warner, 25th District; DeCamp, 40th District; Lamb,

43rd District; Schmit 23rd District.

WHEREAS, the Eighty-seventh Legislature, First Session, passed LB 132 which provides for joint financing for municipalities; and

WHEREAS, such legislation was not designed to create a new competitive situation such as the Legislature has dealt with in the past and which was eliminated through the restructuring of certain power districts in 1970; and

WHEREAS, the Nebraska Municipal Power Pool continues to solicit membership of communities in the Pool and its agency created pursuant to the provisions of LB 132, the Municipal Energy Agency of Nebraska (MEAN); and

WHEREAS, some of these communities already are served by other power entities; and

WHEREAS, the Statement of Legislative Intent on LB 132 stated that LB 132 was designed to allow those communities who have historically generated or purchased a major portion of their electric power and energy from other sources than public power districts to supply such municipalities' customers; and

WHEREAS, Nebraska is an all-public power state and it is the intention of the Legislature not to create duplication and competition among the various power districts; and

WHEREAS, by resolution of the Executive Board, a study of these issues proposed for last year (LR 379) was postponed in order to allow the parties involved more time to reach an agreement, on the condition that if an agreement had not been reached, this study should be introduced; and

WHEREAS, the Executive Board of the Legislature agreed to allow the Nebraska Power Association to mediate this dispute between members of the NPA and has been advised that such mediation has resulted to date in a compromise agreement in principal and has been advised by the NPA that, in all likelihood, such matter only requires additional time for final resolution.

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

1. That in the absence of a compromise agreement being reached between the parties by September 1, 1983, the Legislature's Executive Board is hereby authorized to conduct a study to examine the functioning of the Municipal Power Pool and the Municipal Energy Agency of Nebraska (MEAN).

2. That such study shall be limited to the following:

(a) An investigation of whether the Municipal Power Pool, or its agency (MEAN), is violating the intentions of LB 132.

(b) Whether the actions of the Municipal Power Pool, or the Municipal Energy Agency of Nebraska (MEAN), in soliciting and/or

obtaining membership of cities who purchase their power elsewhere constitutes competition.

(c) Whether the operations of the Municipal Power Pool and its agency the Municipal Energy Agency of Nebraska (MEAN) should be included under all provisions of Chapter 70.

2. That if a compromise agreement is reached by September 1, 1983, the provisions of such agreement, signed by representatives of all parties, shall be immediately reported to the Executive Board.

3. That the Executive Board shall make a full 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 187.

Introduced by Warner, 25th District; Pappas, 42nd District; Vickers, 38th District.

PURPOSE: Trends already established indicate that postsecondary education in Nebraska as well as in the nation as a whole will experience dramatic changes during the remainder of the 20th century. Enrollments will decrease markedly during the 80's followed by a gradual increase in the 90's. Society and students will demand a shifting mix of programs at the same time that financial support for education will be strained. Developments in telecommunications and computerization will make new delivery systems possible. Changes affecting education, however, will not impact on various educational institutions evenly. Many institutions will be called on to meet new challenges; others will find former roles less needed. Overall, society will demand more and more of its educational institutions. Thus postsecondary education will need to be organized in the most efficient ways possible if it is to fill the role required of it.

To prepare for most effective use of its postsecondary educational institutions in the years ahead, Nebraska must now review how these institutions are governed and administered.

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

1. That a committee, composed of the Chairman and three members of the Education Committee and the Chairman and three members of the Appropriations Committee, be designated to carry out the purpose of this resolution. In addition, this committee shall utilize, at no cost to the Legislative Council, such other individuals as may be necessary to assist in this review.

2. That the committee shall upon the conclusion of its study make a

report of its findings, together with its recommendaitons, to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 188.

Introduced by Fowler, 27th District.

PURPOSE: The purpose of this resolution is to study state nursing home and hospital standards and regulations and the adequacy of such standards and regulations.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 189.

Introduced by Fowler, 27th District.

PURPOSE: The purpose of this resolution is to study requiring education for doctors practicing medicine in Nebraska.

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

1. That the Public Health and Welfare Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 190.

Introduced by Abboud, 12th District.

PURPOSE: The purpose of this resolution is to study the present and future development of health maintenance organizations in Nebraska in order to provide Nebraskans with quality health care at reasonable costs. The study shall include, but not be limited to, (1) the success of current health maintenance organizations in the state, (2) whether the creation of additional health maintenance organizations would be beneficial to the state, and (3) whether health maintenance organizations introduce an element of competition in the health care field and significantly affect health care costs.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 191.

Introduced by Abboud, 12 District.

PURPOSE: The purpose of this resolution shall be to study electric utilities and electric rates in Nebraska. The study shall encompass an investigation into the dramatic electrical utility rate increases in the past few years in this state and the reasons and explanations for such rate increases. The study shall also include, but not be limited to, the facilitating or the improving of any present exchanges of services, facilities, and property between electric public utilities in order to provide more effective, efficient, and economical electrical services to citizens of this state.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment

to LB 118 in the Journal. No objections. So ordered.

1. Strike the Rod Johnson amendment.
2. Strike the first Enrollment and Review Amendment changing the words "Cornhusker State" to the word "Nebraska."

Mr. R. Peterson asked unanimous consent to print the following amendment to LB 583 in the Journal. No objections. So ordered.

1. On page 2, line 24, after "71-5014." insert "The boards shall require annual independent audits and reports of all such agencies be submitted to the director for review."

Mr. R. Peterson asked unanimous consent to print the following amendment to LB 583 in the Journal. No objections. So ordered.

1. On page 2, line 15, after "program" insert ", serving a local municipal population of twenty thousand or less,".

Mr. Lamb asked unanimous consent to print the following amendment to LB 59 in the Journal. No objections. So ordered.

Amend DeCamp-Morehead amendment Sec 7 page 8 line 8.
strike "at its next meeting shall" and insert "may".

VISITORS

Visitors to the Chamber were 61 students and teachers from Millard; 34 fourth grade students and teachers from Milford Elementary School; Senator Chronister's daughter and son-in-law, Janet and Mike Casuscelli, from Sioux City, Iowa.

ADJOURNMENT

At 2:19 p.m., on a motion by Mrs. Marsh, the Legislature adjourned until 9:00 a.m., Monday, May 9, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-NINTH DAY - MAY 9, 1983

LEGISLATIVE JOURNAL

SEVENTY-NINTH DAY - MAY 9, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

SEVENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 9, 1983

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Melvon Ireland, First United Methodist Church, Scottsbluff, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Barrett and Mrs. Pirsch who were excused; and Messrs. Abboud, Beutler, Fowler, Goll, Hannibal, V. Johnson, Landis, Newell, Rupp, Schmit, Wagner, Warner, Wesely, Wiitala, Withem, Miss Kilgarin, Mesdames Higgins, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Eighth Day was approved.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hoagland asked unanimous consent to have his name added as co-introducer to LB 363. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 101 and LR 105.

MOTION - Approve Appointment

Mr. Hefner moved the adoption of the report of the Miscellaneous Subjects Committee for the following Governor appointment found in the Journal on page 1987: Albert T. Davis, Nebraska Arts Council.

Voting in the affirmative, 25:

Beutler	Beyer	Carsten	Chronister	Clark
Cullan	DeCamp	Fenger	Goodrich	Hefner
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Kahle
Lamb	Lundy	Marsh	Morehead	Nichol
Pappas	Peterson, H.	Remmers	Vickers	Von Minden

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Eret	Haberman	Peterson, R.	Sieck

Excused and not voting, 19:

Abboud	Barrett	Fowler	Goll	Hannibal
Higgins	Johnson, V.	Kilgarin	Labedz	Landis
Newell	Pirsch	Rupp	Schmit	Wagner
Warner	Wesely	Wiitala	Withem	

The appointment was confirmed with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 131. Read. Considered.

Mrs. Marsh asked unanimous consent to add her name as co-introducer to LR 131. No objections. So ordered.

LR 131 was adopted with 25 ayes, 0 nays, and 24 not voting.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 363.

(Signed) Rod Johnson, Chairperson

MOTION - Return LB 585 to Select File

Mr. Vickers moved to return LB 585 to Select File for his specific amendment found in the Journal on page 1841.

The motion to return prevailed with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 585. The Vickers specific amendment found in the Journal on page 1841 was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Withdraw Amendment to LB 154

Mr. Vickers asked unanimous consent to withdraw his pending amendment, AM1299, found in the Journal on page 1841 to LB 154. No objections. So ordered.

MOTION - Return LB 154 to Select File

Mr. Vickers moved to return LB 154 to Select File for his specific amendment, AM1358, found in the Journal on page 1890.

Mr. Vickers moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The motion to return prevailed with 25 ayes, 14 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

SELECT FILE

LEGISLATIVE BILL 154. The Vickers specific amendment, AM1358, found in the Journal on page 1890 was adopted with 26 ayes, 14 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 154 to Select File

Mr. Beutler moved to return LB 154 to Select File for the following specific amendment:

(Amendments to Final Reading Copy)

1. On page 6, line 11, after the period
insert "In addition the control authority shall
immediately cause notice to be filed of possible unpaid
weed control assessments against the property upon which
the control measures were used in the register of deeds
office in the county where the property is located.".
and, on page 5, line 21, strike "a" and insert "an",
and on line 22, strike "Class V Misdemeanor" and insert
"infraction pursuant to §29-431-438, RRS, Neb 1979,

MR. CLARK PRESIDING

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler motion to return prevailed with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 154. The Beutler specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 154 to Select File

Mr. Schmit moved to return LB 154 to Select File for the following specific amendment:

The State of Nebraska shall
clean up the river beds in all
rivers in the state, including
the Platte River, before they
go to seed.

Mr. R. 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.

Mr. Schmit asked unanimous consent to withdraw his pending motion to return LB 154. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Amendment to LB 118

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM1389, found in the Journal on page 1923 to LB 118. No objections. So ordered.

MOTION - Return LB 118 to Select File

Mr. DeCamp moved to return LB 118 to Select File for the following specific amendment:

1. Strike the R. Johnson amendment, AM1346, and all amendments thereto.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 15 nays, and 18 not voting.

Mr. Abboud 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 lost with 17 ayes, 11 nays, and 21 not voting.

Mrs. Labedz 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. R. Johnson requested a record vote on the DeCamp motion to return LB 118.

Voting in the affirmative, 29:

Beyer	Carsten	Chronister	DeCamp	Eret
Fenger	Goll	Goodrich	Haberman	Hefner
Higgins	Jacobson	Johnson, L.	Kilgarin	Labedz
Lamb	Morehead	Pappas	Peterson, H.	Peterson, R.
Remmers	Rupp	Schmit	Sieck	Von Minden
Wagner	Warner	Wiitala	Withem	

Voting in the negative, 15:

Beutler	Chambers	Clark	Cullan	Fowler
Hannibal	Hoagland	Johnson, R.	Kahle	Landis
Lundy	Marsh	Newell	Vickers	Wesely

Present and not voting, 1:

Nichol

Excused and not voting, 4:

Abboud Barrett Johnson, V. Pirsch

The DeCamp motion to return prevailed with 29 ayes, 15 nays, 1 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 118. The DeCamp specific amendment found in this day's Journal was considered.

Mr. L. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Mr. Chambers requested a record vote on the DeCamp amendment.

Voting in the affirmative, 27:

Abboud	Beyer	Carsten	Chronister	DeCamp
Eret	Fenger	Goll	Goodrich	Haberman
Hefner	Higgins	Jacobson	Johnson, L.	Kilgarin
Labedz	Lamb	Morehead	Peterson, H.	Remmers
Rupp	Schmit	Sieck	Von Minden	Wagner
Warner	Wiitala			

Voting in the negative, 16:

Beutler	Clark	Cullan	Fowler	Hannibal
Hoagland	Johnson, R.	Kahle	Landis	Lundy
Marsh	Newell	Nichol	Pappas	Vickers
Wesely				

Present and not voting, 3:

Chambers R. Peterson Withem

Excused and not voting, 3:

Barrett Johnson, V. Pirsch

The DeCamp specific amendment was adopted with 27 ayes, 16 nays, 3 present and not voting, and 3 excused and not voting.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 33:

Abboud	Beyer	Carsten	Chronister	DeCamp
Eret	Fenger	Goll	Goodrich	Haberman
Hefner	Higgins	Jacobson	Johnson, L.	Kilgarin
Labedz	Lamb	Landis	Morehead	Nichol
Pappas	Peterson, H.	Peterson, R.	Remmers	Rupp
Schmit	Sieck	Von Minden	Wagner	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 10:

Beutler	Chambers	Clark	Fowler	Hannibal
Johnson, R.	Kahle	Lundy	Marsh	Newell

Present and not voting, 3:

Cullan	Hoagland	Vickers

Excused and not voting, 3:

Barrett	Johnson, V.	Pirsch

Advanced to E & R for Engrossment with 33 ayes, 10 nays, 3 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Withdraw Amendments to LB 118

Mr. R. Johnson asked unanimous consent to withdraw his pending amendment, AM1402, found in the Journal on page 1966 to LB 118. No objections. So ordered.

Mr. Schmit asked unanimous consent to withdraw his pending amendment, AM1421, found in the Journal on page 2085 to LB 118. No objections. So ordered.

Mr. Lamb asked unanimous consent to withdraw his pending

amendment found in the Journal on page 2097 to LB 118. No objections. So ordered.

MOTION - Return LB 118 to Select File

Mr. Haberman moved to return LB 118 to Select File for the following specific amendment:

1. Strike the Chambers-Beyer amendment,
originally known as the Marsh-Carsten amendment, the
Beyer amendment, and the Chambers amendment adopted on
April 19, 1983.
2. On page 2, line 11, strike "Cornhusker
State", show as stricken, and insert "Heartland of
Agriculture".
3. Strike the Hannibal amendment.

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.

Mr. Haberman moved for a Call of the House. The motion prevailed with 13 ayes, 4 nays, and 32 not voting.

Mr. Haberman requested a roll call vote on his motion to return.

Voting in the affirmative, 26:

Abboud	Chronister	DeCamp	Eret	Fowler
Goodrich	Haberman	Hefner	Higgins	Jacobson
Kahle	Kilgarin	Labedz	Lamb	Morehead
Nichol	Pappas	Peterson, H.	Peterson, R.	Rupp
Schmit	Sieck	Von Minden	Wagner	Wesely
Wiitala				

Voting in the negative, 16:

Beyer	Carsten	Chambers	Clark	Hannibal
Hoagland	Johnson, L.	Johnson, R.	Landis	Lundy
Marsh	Newell	Remmers	Vickers	Warner
Withem				

Present and not voting, 3:

Beutler	Fenger	Goll

Absent and not voting, 1:

Cullan

Excused and not voting, 3:

Barrett Johnson, V. Pirsch

The Haberman motion to return prevailed with 26 ayes, 16 nays, 3 present and not voting, 1 absent and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 118. The Haberman specific amendment found in this day's Journal was considered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Abboud	Chronister	DeCamp	Eret	Fowler
Goodrich	Haberman	Hefner	Higgins	Jacobson
Kahle	Labedz	Lamb	Pappas	Peterson, H.
Peterson, R.	Rupp	Schmit	Sieck	Von Minden
Wagner	Wiitala	Withem		

Voting in the negative, 19:

Beyer	Carsten	Chambers	Clark	Fenger
Goll	Hannibal	Hoagland	Johnson, L.	Johnson, R.
Kilgarin	Landis	Lundy	Marsh	Morehead
Nichol	Remmers	Vickers	Warner	

Present and not voting, 3:

Beutler Newell Wesely

Absent and not voting, 1:

Cullan

Excused and not voting, 3:

Barrett Johnson, V. Pirsch

The Haberman amendment lost with 23 ayes, 19 nays, 3 present and not voting, 1 absent and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORT
Judiciary

The Judiciary Committee met in Executive Session on April 20, 1983 and voted unanimously to confirm the appointments of Ronald Bartee to the Parole Board and Teresa Luther to the Crime Reparations Board.

Voting Aye were Senators Abboud, Beutler, Chambers, Chronister, Jacobson, R. Johnson, Pirsch and Von Minden.

(Signed) Chris Beutler, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 198.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 198
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER 0100

1. In the Beutler amendment, "provided, however" has been stricken and before "that", "except" has been inserted; "Register of Deeds" has been stricken and "register of deeds" has been inserted; the period has been moved outside the quotation marks; and underscoring has been supplied.
2. On page 19, line 20, the underscored comma has been stricken.

(Signed) Tristi J. Wilson
E & R Attorney

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE RESOLUTION 49. Indefinitely postponed.
LEGISLATIVE RESOLUTION 50. Indefinitely postponed.

(Signed) David Landis, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 108
May 6, 1983

Dear Senator Warner:

You have asked three questions concerning the constitutionality of pending amendments to L.B. 120. The first is whether amendment 1293 would allow the use by the State of either state, federal, or even private (the fees provided for in section 3 of the bill) funds for the erection or maintenance of logo signs. Logo signs are interpreted to be signs advertising goods or services provided by specifically named private entities as distinguished from official highway signs giving general information.

In answer, insofar as private individuals, associations, or corporation would be the primary or sole financial beneficiaries of such erection or maintenance, and it is believed that they would be, it would be considered a violation of both Neb. Const. art. XIII, §3 and art. III, §18 to use state funds, including federal funds paid into the state treasury and disbursed by the state, for such purposes. However, it is not considered that there would be any restriction on the use of private funds for such purposes (as commented on in Attorney General's Opinion No. 217 of April 5, 1976, which you indicate you have read).

The crucial question regarding expenditure of state funds is whether it is for a public purpose. Such determination is admittedly often difficult. The Nebraska Supreme Court in dealing with the problem in the case of State ex rel. Douglas v. Nebraska Mortgage Finance Fund, 204 Neb. 445, 283 N.W.2d 12 (1979) said:

> "No hard and fast rule can be laid down for determining whether a proposed expenditure of public funds is valid as devoted to a public use or purpose. Each case must be decided with reference to the object sought to be accomplished and to the degree and manner in which that object affects the public welfare."

In this case, it is believed that the court would find that although the legislature has a very wide discretion to determine what constitutes a public purpose, this "act" appears to be obviously designed to expend public funds and permit the use of public property for private purposes or benefit.

Secondly you ask can the State even allow the erection of these logo signs in the highway right-of-way?

In answer, only the State (Department of Roads) can erect signs within the right-of-way of any portion of the State highway system. See Neb.Rev.Stat. §1320.06(2)(b)(iv), (Reissue 1978). Authorization for logo signs, as you know, is contained in Neb.Rev.Stat. §39-634.01, however, the use of state funds for such purpose has already been ruled out by Attorney General's Opinion No. 66 of April 5, 1983, and that opinion is not herein reversed.

Lastly, you ask, is the new subsection (4) of section 39-1320.01 (page 35, lines 1 through 17 of the Final Reading Copy of L.B. 120) constitutional in light of our Opinion No. 86, April 19, 1983?

Essentially, Opinion No. 86 declared proposed legislation which would give different and broader "just compensation" to owners of non-conforming signs erected between certain dates to be in violation of Neb. Const. art. III, §18 as being special legislation. Insofar as lines 1 through 17 contain provisions that afford different and broader compensation to owners of non-conforming signs erected between April 16, 1982 and the effective date of the act, they too would be considered unconstitutional as being special legislation. In this regard, subsection (4)(b) and (c) are considered to be different and broader and, as such, unconstitutional. Subsection (4)(a) does not appear to contain anything new as regards either amount or method of payment and therefore, is not found objectionable.

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

The Chair declared the Call raised.

VISITORS

Visitors to the Chamber were Mrs. Ruth Ireland from Scottsbluff; Lynne Ireland and her daughter, Mollie; 40 fifth grade students, teachers, and principal from Oakland Community School, Oakland, IA; Rod Johnson's father, Virgil Johnson, and his aunt and uncle, Don and Wanda Keller from Harvard; Verdel and Norma Nuss from Sutton; 19 eighth through 12th grade students, teacher, and adults from Elkhorn Valley School, Tilden; 13 Sunshine Ladies from Sutton; 44 sixth grade students and teachers from Saratoga School, Lincoln; and 17 third grade students, teacher, and adults from Weeping Water Public School, Weeping Water.

RECESS

At 12:03 p.m., on a motion by Speaker Nichol, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m, Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mr. Barrett and Mrs. Pirsch who were excused; and Messrs. Chambers, Fowler, Haberman, Wagner, and Mrs. Labedz who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 560. Considered.

Mr. Newell offered the following amendment:
to Sunset the provisions of LB 560 effective July 1, 1986

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. Newell asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mr. Beyer asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Wesely requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Abboud	Carsten	Chronister	Clark	DeCamp
Fenger	Goodrich	Haberman	Hannibal	Hefner
Johnson, L.	Lamb	Lundy	Marsh	Morehead
Peterson, H.	Peterson, R.	Rupp	Schmit	Sieck
Von Minden	Wesely	Withem		

Voting in the negative, 20:

Beutler	Cullan	Eret	Fowler	Goll
Higgins	Hoagland	Jacobson	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Landis	Newell
Nichol	Pappas	Remmers	Vickers	Wiitala

Absent and not voting, 1:

Warner

Excused and not voting, 5:

Barrett	Beyer	Chambers	Pirsch	Wagner

Failed to advance to E & R for Review with 23 ayes, 20 nays, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 212 in the Journal. No objections. So ordered.

AM1453

1. On page 2, line 5, after the second comma insert "as amended by Legislative Bill 604, Eighty-eighth Legislature, First Session, 1983,"; and strike lines 8 through 14 and all amendments thereto and insert the following:

"(2) For purposes of the calculation in subsection (1) of section 77-3423, a county shall reduce its combined receipts budget base by the amount of combined receipts used to fund the county welfare administration and program costs during the current fiscal year for which responsibility for funding during the ensuing fiscal year is transferred to the state pursuant to Laws 1982, LB 522, as amended by Legislative Bill 604, Eighty-eighth Legislature, First Session, 1983.".

2. Strike original section 2 and insert the following new section:

"Sec. 2. This act shall become operative on July 1, 1984.".

Mr. Carsten asked unanimous consent to print the following amendment to LB 604 in the Journal. No objections. So ordered.

AM1449

(Amendments to Carsten amendment, AM1340)

1. On page 14, line 6, strike "This" and insert "Sections 20 and 29 of this act shall become operative on July 1, 1984, and the remaining sections of this"; in line 8 strike "68-104" and insert "68-130, 68-313.01"; in line 9 after the last comma insert "and Laws 1982, LB 522, section 46,"; and in line 11 after "1982," insert "and".

2. Insert new sections as follows:

"Sec. 21. That section 68-130, Revised Statutes Supplement, 1982, be amended to read as follows:

68-130. Counties shall maintain, at no additional cost to the Department of Public Welfare, office and service facilities used for the administration of the public assistance programs as such facilities existed on April 1, ~~1982~~ 1983.

Sec. 22. That section 68-313.01, Revised Statutes Supplement, 1982, be amended to read as follows:

68-313.01. Members of the Nebraska Legislature and all state and county officials of this state shall have free access at all times to all records and information in connection with the aid and assistance referred to in section 68-313. The public shall have free access to all information concerning lists of names and amounts of payments which appear on any financial records, except that no lists shall be used for commercial or political purposes.

Sec. 26. That Laws 1982, LB 522, section 46, be amended to read as follows:

Sec. 46. That original sections 28-710, 28-711, 28-713, 28-723 to 28-727, 43-501, 43-511, 43-512.03, 43-514, 43-515, 43-525, 43-529, 68-103, ~~to~~ 68-105, 68-109, 68-110, ~~68-115, 68-126, 68-128,~~ 68-214, 68-309, 68-312, 68-313, 68-313.01, 68-716, 68-1101, 68-1107, 68-1014 to 68-1016, 68-1023, and 68-1206, Reissue Revised Statutes of Nebraska, 1943, sections 19-2702, 19-2716, 43-512, 68-703, and 68-1108, Revised Statutes Supplement, 1980, and section 68-1022, Revised Statutes Supplement, 1981, and also section 43-505,

43-506, 43-527, 43-528, 43-530, 68-106 to 68-109, 68-111 to 68-114, 68-116, 68-218, 68-310.01, 68-310.02, 68-329, 68-704 to 68-709, 68-711, 68-1109, and 68-1010, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 29. That original section 68-104, Revised Statutes Supplement, 1982, is repealed.".

3. Renumber remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 336. Messrs. Beutler and Pappas offered the following amendment:

(Amendment printed separate from the Journal and on file in the Clerk's Office - AM1400.)

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hoagland offered the following amendment to the Beutler-Pappas pending amendment:

1. Add the following language to the definition of Lottery or lottery activity, on page 3 on line 14 "Lottery shall not include any gambling scheme which uses any mechanical or electronic video device"

2. Add on page 30, line 25, following "medium" the language "printed on a disposable ticket, board, or card,"

3. Add the following language to the definition of Lottery, on page 31, line 3 following "value" "Lottery shall not include any gambling scheme which uses any mechanical or electronic video device."

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Hoagland moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Hoagland requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Abboud	Beutler	Chambers	Clark	Eret
Fenger	Goll	Hoagland	Johnson, L.	Kilgarin
Lamb	Landis	Marsh	Morehead	Newell
Peterson, H.	Remmers	Sieck	Vickers	Warner
Withem				

Voting in the negative, 17:

Carsten	Cullan	DeCamp	Fowler	Goodrich
Haberman	Johnson, R.	Johnson, V.	Labedz	Lundy
Nichol	Pappas	Rupp	Von Minden	Wagner
Wesely	Wiitala			

Present and not voting, 8:

Chronister	Hannibal	Hefner	Higgins	Jacobson
Kahle	Peterson, R.	Schmit		

Excused and not voting, 3:

Barrett	Beyer	Pirsch

The Hoagland amendment lost with 21 ayes, 17 nays, 8 present and not voting, and 3 excused and not voting.

Pending.

The Chair declared the Call raised.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 615. Placed on Select File as amended.
E & R amendment to LB 615:
AM5157

1. On page 1, strike beginning with "section" in line 1 through "and" in line 4 and insert "Laws 1982, Second Special Session, LB 1, section 21, relating to appropriations; to change certain appropriations,"; and in line 5 after "section" insert "; and to declare an emergency".

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Withdraw Amendment to LB 356

Mr. Haberman asked unanimous consent to withdraw his pending amendment, AM1368, found in the Journal on page 2033 to LB 356. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 371 in the Journal. No objections. So ordered.

AM1458

(Amendments to the Final Reading Copy)

1. On page 1, line 5, after "sections" insert "42-358.02," and after "43-512" insert a comma.

2. Insert the following new section:

"Sec. 2. That section 42-358.02, Revised Statutes Supplement, 1982, be amended to read as follows:

42-358.02. All delinquent permanent child support payments shall draw interest at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, from the date they become delinquent, and the interest shall be collected the same as the support payments upon which the interest accrues. Such interest shall be compounded annually on the oustanding delinquent amount plus accrued and unpaid interest thereon.".

3. On page 4, line 6, after the period insert "In the event a restraining order enjoining any party from molesting or disturbing the peace of any minor children is issued, upon application and affidavit setting out the reason therefore, the court shall schedule a hearing within seventy- two hours to determine whether the order regarding the minor children shall remain in force."; and strike beginning with "or" in line 13 through the underscored comma in line 14.

4. On page 6, line 4, strike the new matter; and strike beginning with "," in line 25 through "parent" in line 26.

5. On page 10, line 2, strike "Notice"; and in line 4 after the comma insert "as such failure is certified to the court each month by the district court clerk in cases where court- ordered child support is more than thirty days in arrears,"; and in line 17, strike "or alimony".

6. On page 17, line 16, after "sections" insert "42-358.02," and after "43-512" insert a comma.

7. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 336. Mr. V. Johnson renewed his pending amendment, AM1412, found in the Journal on page 1974 to the Beutler-Pappas pending amendment.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Cullan requested a record vote on the V. Johnson amendment to the Beutler-Pappas amendment.

Voting in the affirmative, 13:

Chronister	Cullan	DeCamp	Eret	Fowler
Goodrich	Haberman	Higgins	Johnson, R.	Johnson, V.
Labedz	Newell	Rupp		

Voting in the negative, 22:

Abboud	Beutler	Carsten	Clark	Goll
Hannibal	Hefner	Hoagland	Jacobson	Johnson, L.
Kahle	Landis	Lundy	Marsh	Morehead
Nichol	Peterson, H.	Remmers	Sieck	Von Minden
Warner	Withem			

Present and not voting, 9:

Chambers	Fenger	Kilgarin	Lamb	Peterson, R.
Vickers	Wagner	Wesely	Wiitala	

Excused and not voting, 5:

Barrett	Beyer	Pappas	Pirsch	Schmit

The V. Johnson amendment lost with 13 ayes, 22 nays, 9 present and not voting, and 5 excused and not voting.

Mr. Hoagland offered the following amendment to the Beutler-Pappas amendment:
AM1388
(Amendments to the Pappas-Beutler Amendments, AM1400)
1. Insert a new section as follows:
"Sec. 48. Sections 1 to 40 shall terminate on July 1, 1986.".
2. On page 35, line 8, after the period

insert "The state shall not conduct a lottery after July 1, 1986."

3. Renumber remaining sections accordingly.

Mr. Hoagland moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Hoagland requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Abboud	Chambers	Clark	Eret	Hoagland
Jacobson	Johnson, L.	Lamb	Landis	Marsh
Morehead	Peterson, H.	Remmers	Rupp	Sieck
Von Minden	Wesely	Withem		

Voting in the negative, 21:

Carsten	Cullan	DeCamp	Fowler	Goodrich
Haberman	Hannibal	Hefner	Higgins	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Lundy
Newell	Nichol	Vickers	Wagner	Warner
Wiitala				

Present and not voting, 5:

Beutler	Chronister	Fenger	Goll	Peterson, R.

Excused and not voting, 5:

Barrett	Beyer	Pappas	Pirsch	Schmit

The Hoagland amendment lost with 18 ayes, 21 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Goodrich offered the following amendment to the Beutler-Pappas pending amendment:
AM1462

(Amendments to Pappas amendment, AM1400)

1. On page 15, line 21, after "Fund" insert "or as aid to incorporated municipalities as provided in

section 36 of this act".

2. On page 26, strike beginning with "Any" in line 12 through line 15 and insert:

"The State Treasurer shall on or before the last business day of the month following the end of each calendar quarter transfer all money in the State Lottery Fund, less amounts for expenditures authorized by this section, as follows:

(a) Fifty per cent shall be distributed to incorporated municipalities pursuant to the formula in section 77-27,137.01; and

(b) Fifty per cent shall be deposited in the General Fund.

The Tax Commissioner shall determine the amounts to be distributed to the various incorporated municipalities.".

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

Mr. Goodrich moved for a Call of the House. The motion prevailed with 14 ayes, 3 nays, and 32 not voting.

Mr. Goodrich requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Abboud	Beutler	Chronister	Cullan	DeCamp
Eret	Fenger	Goodrich	Hannibal	Higgins
Hoagland	Jacobson	Kilgarin	Labedz	Landis
Lundy	Marsh	Morehead	Newell	Pappas
Peterson, R.	Rupp	Wiitala	Withem	

Voting in the negative, 19:

Carsten	Chambers	Clark	Fowler	Goll
Hefner	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Lamb	Nichol	Peterson, H.	Remmers	Sieck
Vickers	Von Minden	Wagner	Warner	

Present and not voting, 1:

Haberman

Excused and not voting, 5:

Barrett Beyer Pirsch Schmit Wesely

The Goodrich amendment lost with 24 ayes, 19 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Fenger asked unanimous consent to be excused. No objections. So ordered.

Mr. DeCamp offered the following amendment to the Beutler-Pappas pending amendment:
AM1455

(Amendments to Pappas amendment, AM1400)

1. On page 3, line 24, strike the period and insert an underscored semicolon; after line 24 insert a new subdivision as follows:

(8) Raffle shall mean any gambling scheme in which: (a) Participants pay or agree to pay something of value for an opportunity to win something of value; (b) winning opportunities are represented by tickets or cards differentiated by numbers sequentially enumerated; and (c) winners are determined by a random selection. Nothing in this subdivision shall be construed to include any bingo as defined by Chapter 9, article 1, nor any lottery by sale of pickle card as defined in subdivision (7) of this section;"; and renumber remaining subdivisions accordingly.

2. Insert a new section as follows:

"Sec. 45. (1) In addition to any other tax or fee imposed by the State of Nebraska or any of its subdivisions upon any lottery machines, equipment, or devices, each county and incorporated municipality may impose an annual occupation tax upon each lottery machine, piece of equipment, or device, operated within the boundaries of the county or the corporate limits of the incorporated municipality, in an amount to be determined by such county or incorporated municipality. Such tax shall be remitted to the general fund of the county or incorporated municipality imposing such tax. No county may impose the occupation tax on any such machine, equipment, or device operated within the

corporate limits of an incorporated municipality.

(2) Any county or incorporated municipality may prescibe by resolution or ordinance procedures to administer and enforce the provisions of subsection (1) of this section and in addition thereto may regulate the placement and hours of operation of any lottery machine, equipment, or device.

(3) Nothing in this section shall be construed to apply to bingo as defined in section 9-127, raffle as defined in subdivision (8) of section 3 of this act, lottery by sale of pickle card as defined in subdivision (7) of section 3 of this act, or any state lottery operated pursuant to the State Lottery Act.".

3. Renumber remaining sections accordingly.

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

Mr. Chambers offered the following amendment to the Beutler-Pappas pending amendment:

Strike sections 19, 35 and all other references to the "State Lottery Fund," and its distribution.

Insert new section 19 to read: "Gross receipts of all lottery activity in the State shall be converted to $1 bills, divided into 93 equal portions, and one portion dropped on a windy day, from a crop-dusting plane flying at a height of 1,000 feet above the most populous area of each county."

Mr. Clark asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved for a Call of the House.

Mr. Chambers requested a roll call vote on the motion for a Call of the House.

Voting in the affirmative, 16:

Chambers	Eret	Hefner	Hoagland	Johnson, L.
Johnson, R.	Lamb	Landis	Marsh	Morehead
Nichol	Peterson, H.	Vickers	Wagner	Warner
Withem				

Voting in the negative, 21:

Abboud	Beutler	Carsten	Cullan	DeCamp
Fowler	Goll	Goodrich	Haberman	Hannibal

Jacobson	Johnson, V.	Kilgarin	Labedz	Newell
Pappas	Remmers	Rupp	Schmit	Von Minden
Wiitala				

Present and not voting, 6:

Chronister	Higgins	Kahle	Lundy	Peterson, R.
Sieck				

Excused and not voting, 6:

Barrett	•Beyer	Clark	Fenger	Pirsch
Wesely				

The motion for a Call of the House lost with 16 ayes, 21 nays, 6 present and not voting, and 6 excused and not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 5:

Chambers	Hefner	Lamb	Vickers	Warner

Voting in the negative, 32:

Abboud	Beutler	Carsten	Chronister	Cullan
DeCamp	Eret	Fowler	Goll	Goodrich
Haberman	Hannibal	Higgins	Hoagland	Jacobson
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Landis	Lundy	Marsh	Morehead	Newell
Nichol	Pappas	Remmers	Rupp	Schmit
Von Minden	Withem			

Present and not voting, 6:

Johnson, L.	Peterson, H.	Peterson, R.	Sieck	Wagner
Wiitala				

Excused and not voting, 6:

Barrett	Beyer	Clark	Fenger	Pirsch
Wesely				

The Chambers amendment lost with 5 ayes, 32 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Messrs. R. Peterson and Fowler asked unanimous consent to be excused. No objections. So ordered.

Mr. Haberman moved to reconsider the Goodrich amendment.

Mr. Carsten asked unanimous consent to be excused. No objections. So ordered.

Mr. Haberman asked unanimous consent to withdraw his pending motion to reconsider. No objections. So ordered.

Mr. V. Johnson offered the following amendment to the Beutler-Pappas pending amendment:

AM1451

(Amendments to Pappas amendment, AM1400)

1. On page 3, line 24, strike the period and insert an underscored semicolon; after line 24 insert a new subdivision as follows:

(8) Raffle shall mean any gambling scheme in which: (a) Participants pay or agree to pay something of value for an opportunity to win something of value; (b) winning opportunities are represented by tickets or cards differentiated by numbers sequentially enumerated; and (c) winners are determined by a random selection. Nothing in this subdivision shall be construed to include any bingo as defined by Chapter 9, article 1, nor any lottery by sale of pickle card as defined in subdivision (7) of this section;"; and renumber remaining subdivisions accordingly.

2. On page 10, line 4, strike "and directed by the Governor".

3. On page 27, line 6, after the comma insert "raffle as defined in subdivision (8) of section 3 of this act,"; and in lines 11 and 12 strike "state lottery" and insert "State Lottery Fund".

4. On page 28, line 12 after "9-127" insert ", raffle as defined in subdivision (8) of section 3 of this act,".

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. V. Johnson moved for a Call of the House. The motion prevailed

with 13 ayes, 4 nays, and 32 not voting.

The V. Johnson amendment to the Beutler-Pappas amendment was adopted with 25 ayes, 13 nays, 4 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 411 in the Journal. No objections. So ordered.

AM1442

1. On page 2, line 5, reinstate the stricken matter; in line 6 strike "shall be permitted to", show as stricken, and insert "may"; in line 10 after "impact" insert an underscored comma; strike the new matter in lines 10 through 13 and insert "(ii) a truck- tractor may exceed the forty foot limitation, (iii) a semitrailer operating in a truck- tractor single semitrailer combination, which semitrailer was actually and lawfully operating in the State of Nebraska on December 1, 1982, may exceed the forty foot limitation, and (iv) a semitrailer operating in a truck- tractor single semitrailer combination, which semitrailer was not actually and lawfully operating in the State of Nebraska on December 1, 1982, may exceed the forty foot limitation but shall not exceed a length of fifty- three feet including load."; in line 17 strike the colon; in line 18 strike the semicolon; and strike beginning with "However" in line 21 through line 27.

2. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

3. Strike E & R amendment 1.

Mr. Warner asked unanimous consent to print the following amendment to LB 244 in the Journal. No objections. So ordered.

AM1373

1. Strike original section 1 and all amendments thereto and insert the following new

sections:

"Section 1. That section 39-6,177, Revised Statutes Supplement, 1982, be amended to read as follows:

39-6,177. (1) No vehicle which exceeds a total outside width of one hundred two inches, including any load but excluding any safety devices, shall be permitted on any portion of the National System of Interstate and Defense Highways.

(2) No vehicle ~~shall exceed~~ which exceeds a total outside width of one hundred two inches, including any load ~~thereon, of eight~~ feet but excluding any safety devices, shall be permitted on any highway which is not a portion of the National System of Interstate and Defense Highways, except that such prohibition shall not apply to ~~(1) a vehicle with a load of pulpwood in movement during daylight hours when such maximum width shall be one hundred inches and the load is bound with at least two separate iron chains or cables comprised of material not less than one half inch in thickness or diameter attached to the front and rear of the loading platform and frame of the vehicle so as to hold the load securely in place,~~ (2) (a) farm equipment in temporary movement during daylight hours, or during hours of darkness when the clearance light requirements of section 39-6,127 are fully complied with, in the normal course of farm operations, ~~(3)~~ (b) combines eighteen feet or less in width, while in the normal course of farm operations and while being driven during daylight hours or during hours of darkness when the clearance light requirements of section 39-6,127 are fully complied with, ~~(4)~~ (c) combines in excess of eighteen feet in width, while in the normal course of farm operations and while being driven during daylight hours for distances of twenty-five miles or less on highways and while preceded by a well-lighted pilot vehicle or flagperson, except that such combines may be driven on highways while in the normal course of farm operations for distances of twenty-five miles or less and while preceded by a well-lighted pilot vehicle or flagperson during hours of darkness when the clearance light requirements of section 39-6,127 are fully complied with, ~~(5)~~ (d) combines and vehicles used in transporting combines, and only when transporting combines, to be engaged in harvesting, while being

transported into or through the state during daylight hours, when the total width including the width of the combine being transported does not exceed fifteen feet, except that vehicles used in transporting combines may, when necessary to the harvesting operation, travel unloaded for distances not to exceed twenty-five miles, while the combine to be transported is engaged in a harvesting operation, ~~(6)~~ (e) farm equipment dealers hauling, driving, delivering, or picking up farm equipment, including portable livestock buildings not exceeding fourteen feet in width, or implements of husbandry during daylight hours, ~~(7)~~ (f) alfalfa harvesting machinery in temporary movement during daylight hours and hours of darkness when ~~(a)~~ (i) the clearance light requirements of section 39-6,127 are fully complied with, ~~(b)~~ (ii) there is, on the front vehicle and above the line of the regular lights of such vehicle, a flashing, amber-colored light at least four inches in diameter and clearly visible to traffic approaching from any direction, and ~~(c)~~ (iii) there is a well-lighted pilot vehicle or flagperson at least three hundred feet in advance of such vehicles to give warning of the approach of over-width equipment, and such prohibition shall not apply to equipment of thirteen feet or less in width to be used in highway or other public construction or in agricultural land treatment in temporary movement during daylight hours on roads other than dustless-surfaced state highways and for necessary access to points on such highways, ~~(8)~~ (g) livestock forage vehicles loaded or unloaded that comply with subsection (2) of section 39-6,100, ~~; PROVIDED, that no vehicle which shall exceed a total outside width, including any load thereon, of eight feet shall be permitted upon any portion of the National System of Interstate and Defense Highways, except intercity buses upon designated segments as hereinafter provided in this section,~~ ~~(9)~~ (h) vehicles hauling baled livestock forage which, including the load thereon, may be twelve feet in width, ~~(10)~~ (i) mobile homes or prefabricated livestock buildings not exceeding sixteen feet in width moving during daylight hours, (j) a rubber tired crane with a fixed load when ~~(a)~~ (i) such vehicle will be transported on a state highway, excluding any portion of the National System of Interstate and Defense Highways, on a city street, or on a road within the corporate limits of

a city, ~~(b)~~ (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, except that no permit shall be issued by a city for travel on a state highway containing a bridge or structure which is structurally inadequate to carry the crane as determined by the Department of Roads, ~~(c)~~ (iii) such vehicle will be escorted by another vehicle or vehicles assigned by the city, ~~(d)~~ (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 ~~(e)~~ (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. ~~, (11) intercity buses which may be one hundred two inches in width plus additional width for safety devices when operated on certain highways designated by the Director- State Engineer for such operation, (12) buses operated by a city or village and engaged in the transportation of passengers which may be one hundred two inches in width plus an additional width for safety devices, or (13) mobile homes or prefabricated livestock buildings not exceeding sixteen feet in width moving during daylight hours.~~

(3) The Director-State Engineer, with respect to highways under his or her jurisdiction, may designate certain ~~highways for the operation of such intercity buses upon the following conditions:~~

~~(a) Highways designated by the Director- State Engineer shall be limited to the National System of Interstate and Defense Highways and four- lane and six- lane highways, except that other highways that are not part of the National System of Interstate and Defense Highways may be so designated for the sole purpose of directly connecting disconnected segments of the National System of Interstate and Defense Highways and four- lane and six- lane highways; PROVIDED, that on two- lane highways so designated for connection each traffic lane shall not be less than ten feet in width; and~~

~~(b) No highways shall be so designated by the Director- State Engineer under the provisions of subdivision (13)(a) of this section prior to the time when intercity buses of such width are permitted on the National System of Interstate and Defense Highways~~ highways upon which vehicles of no more than ninety- six inches in width may be permitted to travel. Highways so designated shall be limited to one or more of the following: (a) Highways with traffic lanes of ten feet or less; (b) highways upon which are located narrow bridges; and (c) highways which because of sight distance, surfacing, unusual curves, topographic conditions, or other unusual circumstances, would not, in the opinion of the Director- State Engineer, safely accommodate vehicles of more than ninety- six inches in width.

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.".

UNANIMOUS CONSENT - Withdraw Motion on LB 617

Mr. Haberman asked unanimous consent to withdraw his motion to reconsider the Schmit amendment to LB 617. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mr. H. Peterson asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 336. Mr. Chambers offered the following amendment to the Beutler-Pappas pending amendment:

Pages 26, 27 Strike section 38

Mr. Kahle asked unanimous consent to be excused. No objections. So ordered.

Pending.

VISITORS

Visitors to the Chamber were Senator Kahle's brother-in-law, Jack Wagner from Elwood; 18 students, teacher, and sponsors from St.

Marks School, Lincoln; 11 students and teachers from Hordville; 55 students and sponsors from Clinton School, Lincoln; 35 students, teachers, and sponsors from Ashland; and Joyce and Nancy Kimball.

ADJOURNMENT

Mr. Rupp moved to adjourn. The motion prevailed and at 5:17 p.m., on a motion by Mr. Rupp, the Legislature adjourned until 8:30 a.m., Tuesday, May 10, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTIETH DAY - MAY 10, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

EIGHTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 10, 1983

Pursuant to adjournment, the Legislature met at 8:34 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Dr. Al Norden, Pastor Emeritus, University Lutheran Chapel, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Miss Kilgarin, Mrs. Marsh, Messrs. Cullan, DeCamp, Haberman, V. Johnson, Landis, Rupp, Schmit, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2113, strike lines 12 and 13 and insert "(Amendment on file in the Clerk's Office - AM1400.)"
The Journal for the Seventy-Ninth Day was approved as corrected.

MESSAGES FROM THE GOVERNOR

May 9, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 265, 267, 424, 94 and 142 were received in my office on May 3, 1983.

These bills were signed by me on May 9, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

May 9, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 207, 476 and 476A were received in my office on May 5, 1983.

These bills were signed by me on May 9, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

May 9, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 498, 412 and 174 were received in my office on May 4, 1983.

These bills were signed by me on May 9, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

UNANIMOUS CONSENT - Unbracket LB 469

Mr. Warner asked unanimous consent to unbracket LB 469. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Name

Mr. Chambers asked unanimous consent to withdraw his name as co-introducer to LB 363. No objections. So ordered.

MOTION - Approve Appointments

Mr. Beutler moved the adoption of the report of the Judiciary Committee for the following Governor appointments found in the Journal on page 2107: Ronald Bartee - Parole Board; Teresa Luther - Crime Reparations Board.

Voting in the affirmative, 37:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Eret	Fenger	Fowler	Goll
Goodrich	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Kahle	Labedz
Lamb	Lundy	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Sieck	Vickers	Von Minden	Wagner	Warner
Wiitala	Withem			

Voting in the negative, 0.

Present and not voting, 2:

Chambers Clark

Excused and not voting, 10:

Cullan	DeCamp	Haberman	Johnson, V.	Kilgarin
Landis	Marsh	Rupp	Schmit	Wesely

The appointments were confirmed with 37 ayes, 0 nays, 2 present and not voting, and 10 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 524.

A BILL FOR AN ACT to amend sections 48-624 and 48-669, Revised Statutes Supplement, 1982, relating to employment security; to change the unemployment benefit table as prescribed; to provide for the determination of certain unemployment benefit amounts; 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	DeCamp	Eret	Fenger
Fowler	Goll	Goodrich	Hannibal	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Labedz	Landis	Lundy	Morehead	Newell
Pappas	Remmers	Rupp	Sieck	Vickers
Wagner	Warner	Wiitala	Withem	

Voting in the negative, 10:

Clark	Haberman	Hefner	Kahle	Lamb
Nichol	Peterson, H.	Peterson, R.	Pirsch	Von Minden

Excused and not voting, 5:

Cullan	Kilgarin	Marsh	Schmit	Wesely

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 610.

A BILL FOR AN ACT to amend sections 81-815.21 to 81-815.23, Reissue Revised Statutes of Nebraska, 1943, and section 81-814.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 163, Eighty-eighth Legislature, First Session, 1983, relating to the Game and Parks Commission; to change the use of a change cash fund; to transfer control of state wayside areas to the Department of Roads; to define a term; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law

relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 0.

Excused and not voting, 1:

Kilgarin

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 219 to Select File

Mr. Beutler moved to return LB 219 to Select File for the following specific amendment:

Strike the new language "fifty five" on line 4, page 3 and on line 5, page 5 and reinstate the stricken language "sixty" on line 4, page 3 and in line 5, page 5

Mr. V. Johnson 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 Beutler motion to return prevailed with 28 ayes, 13 nays, and 8 present and not voting.

SELECT FILE

LEGISLATIVE BILL 219. The Beutler specific amendment found in this day's Journal was adopted with 26 ayes, 16 nays, and 7 present 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 479. With Emergency.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 49-1470, 49-1494, and 81-198, Reissue Revised Statutes of Nebraska, 1943, and sections 49-1483, 49-14,121, and 49-14,123, Revised Statutes Supplement, 1982; to change the powers and duties of the Nebraska Accountability and Disclosure Commission; to change certain fees; to change provisions relating to the retention of documents; to change provisions relating to required statements; to eliminate an exemption for commission employees; to provide for creation and distribution of certain forms; to provide for the continuation of the Nebraska Accountability and Disclosure Commission; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 0.

Present and not voting, 1:

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.

EXPLANATION OF VOTE

Had I been present, I would have voted aye on LB's 524 and 610.

(Signed) Karen Kilgarin

MESSAGE FROM THE GOVERNOR

May 10, 1983

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

Dear Senators:

Up to this point in time, I have refrained from reacting to specific debate on the floor of the Legislature. But, the failure of the Unicameral to even consider the Medicaid cost containment proposals of Senators Warner and Wesely has convinced me to begin.

The Medicaid program began in 1966-67 at a cost of $17 million. In 1982-83 it will cost $150 million (a 782% increase). In the last four years it has grown in cost by 61%, from $93 million in 1978-79 to $150 million in 1982-83. This program increased by 10% in 1982-83 alone, a year that many State programs and State employees' salaries were restricted to less than half that increase. The point is: continued obligation of the State's resources for Medicaid at this rate will require other needs to go unmet.

The Nebraska Legislature must recognize that the escalating costs under the Medicaid program is a problem now. To even suggest that we can afford to wait and study this problem next year is folly at best.

Last year, the Legislature enacted Legislative Bill 942 (sponsored by the Appropriations Committee) providing for 1. a pro rata reduction in Medicaid payments when available appropriations are insufficient to meet the rate of expenditure, and 2. a 3.75% cap over the April 1, 1982 payment rate to health care providers. The United States District Court, at the request of the Nebraska Health Care Association, Inc., has enjoined the Department of Social Services from implementing the pro rata reduction that you enacted into State law. As a result, you are currently considering a deficit appropriation for the Medicaid program. In addition, the loss of this suit by the State could result in a State financial obligation of anywhere from $5.5 million to $8.1

million.

Serious analysis of this problem can only lead to the conclusion that the long term solution to the escalating cost of the Medicaid program lies not in the "capping" of payments but requires more fundamental decisions regarding who will be eligible and the extent of program coverage.

I trust that sometime during the remaining ten days of the Eighty-eighth Legislature, First Session you will have an opportunity to reconsider the issue of Medicaid cost containment.

Sincerely,
(Signed) ROBERT KERREY
Governor

UNANIMOUS CONSENT - Withdraw Amendment to LB 410

Messrs. Wesely and Hoagland asked unanimous consent to withdraw their pending amendment, AM1360, found in the Journal on page 1887 to LB 410. No objections. So ordered.

MOTION - Return LB 410 to Select File

Mr. Hoagland moved to return LB 410 to Select File for his pending specific amendment, AM1252, found in the Journal on page 1760.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Hoagland motion to return lost with 11 ayes, 26 nays, and 12 present and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 524, 610, and 479.

EXPLANATION OF VOTE

If I had been present, I would have voted "aye" on LB 524.

(Signed) Shirley Marsh

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 228. Placed on Select File as amended.
E & R amendment to LB 228:
AM5158

1. On page 1, line 1, strike '', 57-702, and 57-704" and insert "and 57-903"; in line 5 strike "severance taxes"; strike beginning with the second "to" in line 5 through "fund" in line 9 and insert "to change provisions relating to oil and gas severance taxes; to provide for payment of such taxes as prescribed"; in lines 10 and 11 strike "for the Tax Commissioner"; in line 11 strike "a penalty" and insert "penalties; to provide an operative date"; and in line 13 strike "57-710 and" and after "57-711" insert "and 57-713".

LEGISLATIVE BILL 447. Placed on Select File as amended.
E & R amendments to LB 447:
AM5159

1. On page 1, strike beginning with "section" in line 3 through "1943" in line 5 and insert "sections 8-1112, 12-503, 14-808, 15-107, 16-115, 17-504, 21-1909, 21-1975, 21-20,114, 21-20,116, 23-263, 24-321, 25-314, 25-321, 25-406, 25-536, 25-540, 25-821, 25-1082, 25-1145, 25-21,118, 29-1608, 30-2511, 42-352, 42-354, 42-355, 42-364.04, 43-103, 44-135, 44-137.01, 44-137.02, 44-137.08, 44-145, 44-341, 44-342.03, 44-1033, 44-1204, 44-1801, 44-1805, 44-2001, 44-2004, 45-124, 48-175, 48-190, 48-655.01, 48-909, 53-126, 57-1001, 60-509, 60-531, 67-281, 67-285, 67-286, 71-3823, 75-325, 76-408, 76-706, 76-1306, 76-1409, 77-2712, 77-27,133, 79-2856, 81-516, 81-885.17, 81-885.35, 81-8,120, 81-8,212, 81-1507, 81-1930, 84-719, and 84-917, Reissue Revised Statutes of Nebraska, 1943, and sections 21-2076, 24-524, 25-1011, 43-268, 43-1205, 44-2620, 44-3515, 48-813, 48-1126, 59-1750, 69-1204, and 77-3002, Revised Statutes Supplement, 1982"; and strike beginning with "25-331" in line 8 through "1943" in line 11 and insert "25-314.01, 25-502 to 25-518, 25-521, 25-524, 25-526, 25-530.01 to 25-530.07, 44-137, 44-137.03 to 44-137.06, 44-1034, 45-125, 45-349, 57-1002, 75-326, and 76-722, Reissue Revised Statutes of Nebraska, 1943, and sections 21-2013 and 25-530, Revised Statutes Supplement, 1982".

2. In the Standing Committee Amendments: (a) On page 30, line 10 strike "reasonable" and insert "reasonably"; and (b) on page 125, line 15, after "sections" insert "25-314.01," and in line 17 strike

6 "25-314.01,".

(Signed) Rod Johnson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 192.

Introduced by Pappas, 42nd District.

WHEREAS, the contribution of William F. "Buffalo Bill" Cody to the history of Nebraska and the Great Plains is substantial and deserving of recognition; and

WHEREAS, Buffalo Bill Cody was a Nebraskan who inspired over four thousand pieces of literature and twenty-seven movies and was so well-thought-of by his fellow citizens that he was elected to the Nebraska Legislature; and

WHEREAS, May 19, 1983, is the one hundredth anniversary of the first public showing of "Buffalo Bill's Wild West" at Omaha, Nebraska; and

WHEREAS, the good people of Omaha are observing the anniversary of "Buffalo Bill's Wild West" with a day-long celebration to be known as the Buffalo Bill Centennial.

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

1. That the Legislature encourages all Nebraskans to observe Buffalo Bill Day in Nebraska on May 19, 1983, and urges all citizens to support the efforts of the City of Omaha to perpetuate the memory of William F. Cody and the role that he played and will continue to play in the development of this great state.

Laid over.

MOTION - Return LB 410 to Select File

Mr. Hoagland moved to return LB 410 to Select File for his pending specific amendment found in the Journal on page 1761.

Mr. Goodrich moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Hoagland requested a record vote on his motion to return.

Voting in the affirmative, 18:

Chambers	Cullan	DeCamp	Fenger	Fowler
Goll	Haberman	Higgins	Hoagland	Johnson, V.
Lamb	Nichol	Rupp	Sieck	Vickers
Von Minden	Wesely	Wiitala		

Voting in the negative, 26:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	Goodrich	Hannibal	Jacobson	Johnson, L.
Johnson, R.	Kahle	Kilgarin	Labedz	Landis
Lundy	Marsh	Morehead	Newell	Peterson, H.
Peterson, R.	Remmers	Schmit	Wagner	Warner
Withem				

Present and not voting, 5:

Beutler	Eret	Hefner	Pappas	Pirsch

The Hoagland motion to return lost with 18 ayes, 26 nays, and 5 present and not voting.

UNANIMOUS CONSENT - Withdraw Amendments to LB 410

Mr. Hoagland asked unanimous consent to withdraw his pending amendments, AM1090, found in the Journal on page 1482; AM1155, found in the Journal on page 1539; and his pending amendment found in the Journal on page 1684 to LB 410. No objections. So ordered.

MOTION - Return LB 410 to Committee

Mr. Hoagland moved to return LB 410 to committee for public hearing.

Mr. Goodrich 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 Hoagland motion to return to committee lost with 10 ayes, 28 nays, and 11 present and not voting.

MOTION - Return LB 410 to Select File

Mr. Chambers moved to return LB 410 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Chambers asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

MOTION - Suspend Rules

Mr. Haberman moved to suspend rules & vote on final passage of LB 410 without further motions to return.

Mr. Haberman asked unanimous consent to withdraw his pending motion. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mr. Clark asked unanimous consent to be excused. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 410.

A BILL FOR AN ACT relating to the colleges and universities; to amend sections 85-122 and 85-130, Reissue Revised Statutes of Nebraska, 1943, and section 77-2602, Revised Statutes Supplement, 1982; to modify provisions relating to the distribution of cigarette tax; to designate funds; to eliminate a restriction on disbursement of funds; to create funds; to provide powers and duties for the Board of Regents and the Board of Trustees of the Nebraska State Colleges; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Abboud	Barrett	Beyer	Carsten	Chronister
DeCamp	Eret	Fenger	Fowler	Goodrich
Haberman	Hannibal	Hefner	Jacobson	Johnson, L.
Johnson, R.	Kahle	Kilgarin	Labedz	Landis
Lundy	Marsh	Morehead	Newell	Peterson, H.
Peterson, R.	Pirsch	Schmit	Sieck	Wagner
Warner	Wesely	Wiitala	Withem	

Voting in the negative, 13:

Chambers	Cullan	Goll	Higgins	Hoagland
Johnson, V.	Lamb	Nichol	Pappas	Remmers
Rupp	Vickers	Von Minden		

Present and not voting, 1:

Beutler

Excused and not voting, 1:

Clark

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Withdraw Amendment to LB 410A

Mr. Hoagland asked unanimous consent to withdraw his pending amendment found in the Journal on page 1761 to LB 410A. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 410A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 410, Eighty-eighth Legislature, First Session, 1983.

Whereupon the 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Cullan	DeCamp	Eret	Fenger
Fowler	Goodrich	Haberman	Hannibal	Hefner
Jacobson	Johnson, L.	Johnson, R.	Kahle	Kilgarin
Labedz	Landis	Lundy	Marsh	Morehead
Newell	Peterson, H.	Peterson, R.	Pirsch	Schmit
Sieck	Wagner	Warner	Wesely	Wiitala
Withem				

Voting in the negative, 12:

Chambers	Goll	Higgins	Hoagland	Johnson, V.
Lamb	Nichol	Pappas	Remmers	Rupp
Vickers	Von Minden			

Excused and not voting, 1:

Clark

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: 617 and 630.

(Signed) Rod Johnson, Chairperson

Second Enrollment and Review Change to LB 617

The following changes, required to be reported for publication in the Journal, have been made:
ER0103

1. In the original bill, on page 1, line 1, "33-106.02," has been inserted after "sections"; and in line 7 "section" has been stricken and "sections 26-112, 33-106, 33-123, 33-124, and" has been inserted.

2. Because of the R. Peterson amendment, in the original bill, on page 26, line 25, "the" has been struck and shown as stricken, and "a" has been inserted.

3. In the R. Peterson amendment, an underscored comma has been inserted after the last "dollars".

4. In the Appropriations Committee second amendment on page 1466 of the Journal, "and an exception" has been inserted after "date".

5. In the Schmit amendment, AM1370, on page 1, lines 9 and 18 "(a)" has been stricken.

Second Enrollment and Review Change to LB 630

The following changes, required to be reported for publication in the Journal, have been made:
ER0105

1. Because of the Warner amendment adopted on May 5, in the

Appropriations Committee (a) amendment 1 in line 2, "46" has been stricken and "42" inserted, and (b) amendment 3 has been stricken and "3. Renumber the remaining sections accordingly." inserted.

(Signed) Tristi J. Wilson
E & R Attorney

UNANIMOUS CONSENT - Member Excused

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 118A. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 336A. Title read. Considered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 13 ayes, 2 nays, and 34 not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 28:

Beutler	Beyer	Carsten	Cullan	DeCamp
Goodrich	Haberman	Hannibal	Hefner	Higgins
Jacobson	V. Johnson	Kahle	Kilgarin	Labedz
Landis	Lundy	Morehead	Newell	Nichol
Pappas	Pirsch	Rupp	Schmit	Von Minden
Wagner	Wesely	Wiitala		

Voting in the negative, 15:

Abboud	Chambers	Chronister	Eret	Fenger
Goll	Hoagland	Johnson, L.	Johnson, R.	Lamb
Marsh	Peterson, H.	Peterson, R.	Remmers	Sieck

Present and not voting, 4:

Barrett	Vickers	Warner	Withem

Excused and not voting, 2:

Clark Fowler

Advanced to E & R for Review with 28 ayes, 15 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 159. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 2 nays, 16 present and not voting, and 3 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 212. Title read. Considered.

Standing Committee amendment, AM1233, found in the Journal on page 1687 for the Sixty-Ninth Day was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Haberman renewed his pending amendment, AM1453, found in the Journal on page 2111.

Messrs. Wiitala and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Haberman moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Abboud	Beutler	Carsten	DeCamp	Eret
Fenger	Goodrich	Haberman	Hefner	Higgins
Johnson, L.	Johnson, R.	Johnson, V.	Kilgarin	Lamb
Landis	Pappas	Peterson, H.	Peterson, R.	Pirsch
Schmit	Vickers	Von Minden	Warner	Wesely
Withem				

Voting in the negative, 17:

Barrett	Beyer	Chronister	Cullan	Fowler
Goll	Hannibal	Hoagland	Kahle	Lundy
Marsh	Newell	Nichol	Remmers	Rupp
Sieck	Wagner			

Present and not voting, 3:

Chambers	Jacobson	Morehead

Excused and not voting, 3:

Clark	Labedz	Wiitala

The Haberman amendment was adopted with 26 ayes, 17 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolution: 410, 410A, and LR 131.

GENERAL FILE

LEGISLATIVE BILL 583. Title read. Considered.

Standing Committee amendments, AM0304, found in the Journal on page 551 for the Twenty-Eighth Day were adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Mr. R. Peterson asked unanimous consent to withdraw his pending amendment, AM0667, found in the Journal on page 890 to LB 583. No objections. So ordered.

Mr. R. Peterson renewed his second pending amendment found in the Journal on page 2097.

The R. Peterson amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Haberman and Mrs. Higgins asked unanimous consent to be excused until they return. No objections. So ordered.

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.

Advanced to E & R for Review with 30 ayes, 3 nays, 12 present and not voting, and 4 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 193.

Introduced by Landis, 46th District.

PURPOSE: The tuition credit program established by the Legislature to assist Nebraska residents enlisted as members of a Nebraska-based unit of the Active Selected Reserves of the U.S. Armed Forces has experienced rapid growth since its inception in 1976. The purpose of this resolution is to cause a study to be made of all aspects of the tuition credit program in an effort to determine whether the program is functioning in the most efficient way possible.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 194.

Introduced by Landis, 46th District.

WHEREAS, the new direction of the federal government proposes to bring government closer to the people;

WHEREAS, state government has been charged with the primary responsibility to carry out programs handed down from the federal government;

WHEREAS, these federal funds are given in block grants and direct grants with federal requirements and restrictions to be followed by the state governments;

WHEREAS, the State of Nebraska has no specific laws that address compliance with affirmative action guidelines, minority set-aside, and other compliance regulations as required;

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

1. That a committee of the Legislature be directed to conduct an interim study of the state's obligations and requirements in the administration of federal block grant funds.

2. That if the interim study indicates a need to draft legislation to assure compliance with affirmative action and minority set-aside regulations, it will do so in time for the Second Session of the Eighty-eighth Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 629 in the Journal. No objections. So ordered.

AM1465

1. On page 1, line 2, after the second semicolon insert "to creat a fund;".

2. Insert the following new sections:

"Sec. 13. (1) The Legislature hereby finds that (a) in some instances political subdivisions have added programs or services as a result of state action and have not received any additional assistance from the state to aid them in meeting these new responsibilities, and (b) the limitation placed on the budgets of political subdivisions has made it difficult for the political subdivisions to continue to provide all the necessary programs and services.

(2) It is the responsibility of the Legislature to provide laws which promote uniform and equitable taxation. The Legislature is responsible for providing a state tax system and has the right to apportion the impact of such tax system in any manner that is consistent with the application of appropriate laws which reflect property values, personal income, and other economic activities. The Legislature hereby finds that the best interests of the state are served by providing uniform property tax relief based on the value of all property and the Legislature's choice to provide a shift in tax burden from property to sales and income is a legitimate and proper function of the Legislature.

(3) Sections 13 to 17 of this act do not purport to reimburse political subdivisions for losses

due to certain personal property tax exemptions, but provide state financial assistance through property tax relief to various political subdivisions of the State of Nebraska.

Sec. 14. For fiscal year 1983-84 and each fiscal year thereafter the Legislature shall appropriate one thousand dollars from the General Fund to a special fund, to be known as the Political Subdivision Property Tax Relief Fund, which fund is hereby created. Any money in such fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 15. For fiscal year 1983-84 and each fiscal year thereafter each county shall receive an amount from the Political Subdivision Property Tax Relief Fund based on the percentage figure obtained by dividing the actual valuation of real and personal property in the county by the actual valuation of real and personal property in the state based on the values stated in the most recent certificate of taxes levied pursuant to section 77-628. The Tax Commissioner shall determine the amount to be distributed to the various counties for distribution to the political subdivisions within such county and shall certify such amounts to the Director of Administrative Services. Each amount shall be distributed in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning December 5, 1983, and each December 5 thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification, draw warrants against funds appropriated.

Out of the amount of funds distributed to a county under this section, the county treasurer shall retain one per cent therof and then shall distribute the remainder to each of the political subdivisions within his or her county as set forth in section 16 of this act.

Sec. 16. Each political subdivision or portion of a political subdivision within a county, including the county itself, with authority to levy a tax or cause a tax to be levied shall receive a share of

the funds distributed to the county in an amount equivalent to the percentage figure obtained by dividing the amount of property tax levied within the county by the political subdivision during the prior calendar year by the total amount of property tax levied within the county by all political subdivisions during the prior calendar year. Such amount shall be distributed by the county treasurer in seven as nearly as possible equal monthly payments beginning December 5, 1983, and each December 5 thereafter.

Sec. 17. (1) If two or more political subdivisions within a county are merged, the share such newly merged political subdivision shall receive shall be the sum of the receipts each individual political subdivision would have received had there been no merger.

(2) If a political subdivision authorized to levy a tax or cause a tax to be levied is newly created, such political subdivision shall receive, commencing the first year such levy generates tax receipts, a share of the funds distributed to political subdivisions within a county computed pursuant to sections 13 to 17 of this act.

Sec. 18. There is hereby appropriated one thousand dollars from the General Fund for the period July 1, 1983, to June 30, 1984, to the Political Subdivision Property Tax Relief Fund.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

3. Renumber the remaining section accordingly.

Mr. Vickers asked unanimous consent to print the following amendment to LB 159 in the Journal. No objections. So ordered.

Page 3, line 14, strike "or certain former students"

Mrs. Labedz asked unanimous consent to print the following amendment to LB 363 in the Journal. No objections. So ordered.

AM1459

(Amendments to the Final Reading Copy)

1. Strike original sections 5 and 6 and insert the following new section:

"Sec. 5. This act shall become operative for

all taxable years beginning on or after January 1, 1985.".

2. On page 1, line 7, strike "operative dates" and insert "an operative date".

3. On page 23, line 21, after "sections" insert "77-2704," and after "77-2715" insert a comma.

4. Renumber the remaining section accordingly.

Mr. Chambers asked unanimous consent to print the following amendment to LB 617 in the Journal. No objections. So ordered.

Amend Schmit amendment:

1. Strike all provisions except section 5.

2. Amend section 5. Line 7 after "pay", insert, "to the county treasurer who shall credit the same to the general fund of the county.

Line 11, put a period after "received"; strike remaining new language through "county" in line 20.

3. That original section 33-106 Revised Statutes Supplement, 1982 is repealed.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 234, 234A, 469, and 608.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 234
(Second Final Reading)

The following changes, required to be reported for publication in the Journal, have been made:
ER0104

1. In lieu of the Landis amendment (1) adopted 5-6-83, section 1 has been stricken and the remaining sections renumbered accordingly.

2. In the Landis amendment (2), adopted 5-6-83, "Unless" has been stricken.

3. On page 1, line 1, and page 36, line 9, "60-102," has been stricken.

4. On page 8, line 20, "20" has been stricken and "19" inserted; and in lines 22 and 23, "3 to 13" has been stricken and "2 to 12" inserted.

5. On page 10, line 4, "3 to 13" has been stricken and "2 to 12"

inserted; in line 14, "13" has been stricken and "12" inserted.

6. On page 11, line 15, "7" has been stricken and "6" inserted.

7. On page 13, lines 3, 24, and 25, "3 to 13" has been stricken and "2 to 12" inserted; and in line 9, "8" has been stricken and "7" inserted.

8. On page 15, line 18, "4" has been stricken and "3" inserted.

9. On page 16, line 22, "15" has been stricken and "14" inserted; and in line 27, "20" has been stricken and "19" inserted.

10. On page 17, line 23, "15" has been stricken and "14" inserted.

11. On page 20, line 21, "20 and 23 to 28" has been stricken and "19 and 22 to 27" inserted.

12. On page 30, line 21, "23 to 28" has been stricken and "22 to 27" inserted.

13. On page 33, line 26, "15" has been stricken and "14" inserted.

14. On page 34, line 8, "23" has been stricken and "22" inserted; and in lines 11, 12, and 23 "23 to 25" has been stricken and "22 to 24" inserted.

15. On page 35, line 7, "23 to 25" has been stricken and "22 to 24" inserted; and in line 16 "20" has been stricken and "19" inserted.

16. In the Wiitala amendment, AM1390, line 6, "3 to 13" has been stricken and "2 to 12" inserted.

(Signed) Tristi J. Wilson
E & R Attorney

UNANIMOUS CONSENT - Withdraw Amendment to LB 583

Mr. R. Peterson asked unanimous consent to withdraw his first pending amendment found in the Journal on page 2097 to LB 583. No objections. So ordered.

VISITORS

Visitors to the Chamber were Father John Michalok, Jennie Michalok, and John Travers; 40 fourth grade students and teacher from Paddock Elementary School, Beatrice; Dr. John Worthmann and wife, Carolyn from Omaha; 23 eighth grade students and teacher from Shoeinaker School, Grand Island; 70 third and fourth grade students and teachers from Hill Elementary, Lincoln; 21 third grade students and teacher from Tecumseh Public School, Tecumseh; 150 students and teacher from Burke High School, Omaha; and 27 students and teacher from Zion Lutheran School, Hastings.

RECESS

At 12:00 a.m., on a motion by Mr. Hannibal, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:35 p.m, President McGinley presiding.

ROLL CALL

The roll was called and all members were present except Mr. Clark who was excused; and Messrs. Chambers, DeCamp, Fowler, Haberman, R. Johnson, V. Johnson, Landis, Newell, Schmit, Vickers, and Mrs. Marsh who were excused until they arrive.

RESOLUTION

LEGISLATIVE RESOLUTION 195.

Introduced by Abboud, 12th District.

WHEREAS, Darin Ohnstad, a Ralston High School scholar, athlete, and friend of many dedicated his life to achieving excellence in all things; and

WHEREAS, Darin's earthly life, although short, was rich in accomplishments and full of love, spirit, and friendship; and

WHEREAS, Darin's many achievements serve as an inspiration to all Nebraskans, young and old; and

WHEREAS, Darin Ohnstad passed from this life on May 9, 1983.

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

1. That the Legislature extends its sympathy to the family of Darin Ohnstad and acknowledges the fine example that this young man set for children, teenagers, and adults in Ralston and throughout the state.

2. That a copy of this resolution be presented to Darin's parents, Mr. and Mrs. Donald Ohnstad, as a tangible symbol of the best wishes for the Ohnstad family.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Cullan asked unanimous consent to print the following amendment to LB 126 in the Journal. No objections. So ordered.

AM1466

(Amendments to Final Reading Copy)

1. On page 3, strike beginning with "leading" in line 12 through "degree" in line 13 and insert "in

regularly scheduled classes".

2. On page 4, line 18, after "institution" insert "multiplied by the average cost of attendance, as defined by 34 CFR section 675, for the various institutional budget categories, of a single dependent resident at the eligible postsecondary institution," and strike "total" and insert "sum of all eligible individuals multiplied by the average cost of attendance at their respective eligible"; and strike beginning with "full-time" in line 19 through "postsecondary" in line 20.

3. On page 5, after line 25 insert a new subdivision as follows:

"(4) That no student shall receive employment opportunities under this program when the annual proceeds from such employment added to any and all other support, loans, or financial assistance from any governmental sources which such student is receiving exceeds the average cost of attendance for the institution in which such student is enrolled consistent with federal regulations governing the coordination of financial aid;"; in line 26 strike "to exceed" and insert "less than five hundred nor greater than"; and renumber the remaining subdivisions accordingly.

SELECT FILE

LEGISLATIVE BILL 215. Mr. Beutler offered the following specific amendment:

AM1448

1. On page 6, strike beginning with "The" in line 10 through line 14.

2. On page 8, after line 15, insert:

"(4) Any producer of title business, associate, person, or other entity may purchase all or a portion of the ownership interests of a title insurance agent or title insurance company operating in a controlled business situation or relationship on the effective date of this act and shall have all the same rights and privileges as its predecessor in ownership.".

The amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Mr. Beutler requested a machine vote on the advancement of the bill.

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

Advanced to E & R for Engrossment with 25 ayes, 12 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 451. E & R amendments, AM5146, found in the Journal on page 1894 for the Seventy-Fifth Day were adopted.

Mr. Beutler offered the following amendment:
AM1395

1. On page 3, line 19, after "agrees" insert "(a)"; and in line 24 strike beginning with "and" through "agrees" and insert ", (b) to be bound by the terms of the Act Prohibiting Unjust Discrimination in Employment Because of Age, the Nebraska Fair Employment Act, and sections 48-1219 to 48-1227, regardless of the number of employees, and (c)".

The amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Lamb offered the following amendment:

1. On Page one of the committee amendment, strike lines 15 through 19 and on line 20 strike beginning with the first "the" through "area." and insert Prior to a determination of whether the proposed project is within a blighted area and is within the development plan or plans for the area, the governing body of the city in which the proposed project is located shall conduct a public hearing. On line 22 strike "one time" and insert two times beginning; strike "three" and insert seven.

Messrs. Withem, Barrett, and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lamb moved for a Call of the House. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Newell requested a roll call vote on the Lamb amendment.

Voting in the affirmative, 24:

Abboud	Beutler	Beyer	Carsten	Chambers
Fenger	Goll	Hefner	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Lamb	Morehead

Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Sieck	Von Minden	Wagner	Wiitala	

Voting in the negative, 14:

Cullan	Fowler	Goodrich	Higgins	Hoagland
Kilgarin	Labedz	Lundy	Marsh	Newell
Rupp	Schmit	Warner	Wesely	

Present and not voting, 5:

Chronister	DeCamp	Eret	Hannibal	Nichol

Excused and not voting, 6:

Barrett	Clark	Haberman	Landis	Vickers
Withem				

The Lamb amendment lost with 24 ayes, 14 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Newell offered the following amendment:
strike the Beutler amendment

The Newell amendment lost with 3 ayes, 25 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Lamb offered the following amendment:
Page 1 line 22 strike "one" and insert "two" and strike "three" and insert "seven"

Mr. Newell requested a division of the question on the Lamb amendment.

The Chair sustained the division of the question.

The first Lamb amendment is as follows:
strike "three" and insert "seven"

The first Lamb amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

The second Lamb amendment is as follows:
Page 1 line 22 strike "one" and insert "two"

The second Lamb amendment was adopted with 25 ayes, 11 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendments to LB 336 in the Journal. No objections. So ordered.

(1)

AM1469

(Amendments to Pappas amendment, AM1400)

1. On page 15, line 21, after "Fund" insert "or as aid to incorporated municipalities and counties as provided in section 36 of this act".

2. On page 26, strike beginning with "Any" in line 12 through line 15 and insert:

"The State Treasurer shall on or before the last business day of the month following the end of each calendar quarter transfer all money in the State Lottery Fund, less amounts for expenditures authorized by this section, as follows:

(a) Twenty-five per cent shall be distributed to incorporated municipalities pursuant to the formula in section 77-27,137.01;

(b) Twenty-five per cent shall be distributed to counties pursuant to the formula in section 77-27,137; and

(c) Fifty per cent shall be deposited in the General Fund.

The Tax Commissioner shall determine the amounts to be distributed to the various incorporated municipalities and counties.".

(2)

AM1468

(Amendments to Pappas amendment, AM1400)

1. On page 15, line 21, after "Fund" insert "or as aid to incorporated municipalities as provided in

section 36 of this act".

2. On page 26, strike beginning with "Any" in line 12 through line 15 and insert:

"The State Treasurer shall on or before the last business day of the month following the end of each calendar quarter transfer all money in the State Lottery Fund, less amounts for expenditures authorized by this section, as follows:

(a) Twenty- five per cent shall be distributed to incorporated municipalities pursuant to the formula in section 77- 27,137.01; and

(b) Seventy- five per cent shall be deposited in the General Fund.

The Tax Commissioner shall determine the amounts to be distributed to the various incorporated municipalities.".

RESOLUTION

LEGISLATIVE RESOLUTION 196.

Introduced by Warner, 25th District.

WHEREAS, the Waverly High School "Viking" Band will be participating in the Festival of the Nations in Washington, D.C., May 27-31, in competition for ratings and awards in Concert, Jazz, and Marching Band events; and

WHEREAS, the 97 students of the concert and marching bands, directed by Bob Maag, and the jazz band, directed by Jeff Hart, will perform against similar-sized bands from across the country in this challenging and high-caliber competition; and

WHEREAS, over the last two years, the students have raised almost $40,000 through fundraising activities such as a soup supper and concert, raffles, selling pizza kits, a style show, and other enterprises; and

WHEREAS, the students will combine their participation in this event with learning about our federal government by touring our Nation's Capitol.

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

1. That the members of the Legislature commend and congratulate the members and directors of the Waverly High School Band for both their musical talents and the imagination and productivity of their fundraising efforts which made this trip possible, and extend its best wishes to the band in the confidence that it will well represent its school,

city, and state in this competition.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 10, 1983, at 2:05 p.m., were the following bills: 524, 610, 479, 410, and 410A.

(Signed) Jan Loder, Enrolling Clerk

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 210A. By Fowler, 27th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 210, Eighty-eighth Legislature, First Session, 1983.

SELECT FILE

LEGISLATIVE BILL 327. E & R amendments, AM5147, found in the Journal on page 1895 for the Seventy-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 32. E & R amendments, AM5148, found in the Journal on page 1895 for the Seventy-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 619. E & R amendments, AM5149, found in the Journal on page 1895 for the Seventy-Fifth Day were adopted.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM0980, found in the Journal on page 1302. No objections. So ordered.

Mr. Haberman asked unanimous consent to withdraw his pending amendment, AM0955, printed separate from the Journal and referred to on page 1323. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendments, AM1086, found in the Journal on page 1432, and

AM1100, found in the Journal on page 1471. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 17. E & R amendments, AM5152, found in the Journal on page 1971 for the Seventy-Sixth Day were adopted.

Messrs. Newell and V. Johnson asked unanimous consent to withdraw their pending amendment, AM1351, found in the Journal on page 1955. No objections. So ordered.

Mr. Newell offered the following amendment:
AM1351
1. In the Beutler and DeCamp amendment,
adopted on April 28, (a) on page 1, insert "or custom"
at the end of line 9 and strike lines 19 through 23, (b)
on page 2, strike lines 1 through 10, and (c) renumber
the remaining amendments.

Mr. Newell moved for a Call of the House. The motion prevailed with 10 ayes, 4 nays, and 35 not voting.

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Beutler	Carsten	Chambers	Cullan	Hannibal
Hefner	Higgins	Hoagland	Johnson, V.	Kahle
Kilgarin	Labedz	Landis	Lundy	Marsh
Morehead	Newell	Pappas	Pirsch	Rupp
Sieck	Vickers	Wiitala		

Voting in the negative, 23:

Abboud	Barrett	Beyer	Chronister	DeCamp
Eret	Fenger	Goll	Goodrich	Haberman
Jacobson	Johnson, L.	Johnson, R.	Lamb	Nichol
Peterson, H.	Peterson, R.	Remmers	Schmit	Von Minden
Wagner	Warner	Wesely		

Excused and not voting, 3:

Clark	Fowler	Withem

The Newell amendment lost with 23 ayes, 23 nays, and 3 excused and

not voting.

The Chair declared the Call raised.

Messrs. DeCamp and Beutler offered the following amendment: AM1426

1. In the Beutler-DeCamp amendments, AM1327:

(a) On page 1, line 10, strike "programs" and insert "software"; in line 11 after "seller" insert ". Gross receipts shall not include the amount charged for training customers in the use of, or to maintain or service computer software, including charges for future enhancements, changes, and modifications to or the extension of any warranties covering such computer software, if such amount is separately stated and such separate statement is not used as a means of avoiding imposition of the tax upon the actual sales price of the computer software;"; and in line 12 strike "or" and insert "of";

(b) Strike Beutler-DeCamp amendment 2;

(c) On page 3, strike beginning with "using" in line 9 through "films" in line 10 and insert "referred to in subdivision (4)(c) of section 77-2702"; and

(d) On page 10, line 19 after "retailer" insert "or of intellectual or entertainment properties referred to in subdivision (4)(c) of section 77-2702".

2. On page 20, line 6, strike "and" and show as stricken; in line 21 strike the period, show as stricken, and insert ";"; and after line 21 insert new subdivisions as follows:

"(22) Packaged computer software shall mean all computer software other than custom computer software; and

(23) Custom computer software shall mean (a) software which is prepared to the special order of the customer, (b) prewritten software that is not usable by the customer without modification and the modifications are made by the seller, or (c) prewritten software that is modified so that the operation of the software is materially affected by the modifications.".

Mr. Abboud and Mrs. Marsh asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. DeCamp moved for a Call of the House. The motion prevailed with

12 ayes, 0 nays, and 37 not voting.

The DeCamp-Beutler amendment was adopted with 25 ayes, 10 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Newell offered the following amendment to the DeCamp-Beutler amendment:

1. On page 1, line 2, strike beginning with "10" through "software" on line 3 and insert "insert "or custom" at the end of line 9"

2. Strike amendment No. 2

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

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Carsten	Chambers	Cullan	Fowler	Hannibal
Hefner	Higgins	Hoagland	Johnson, V.	Kahle
Kilgarin	Labedz	Landis	Lundy	Marsh
Morehead	Newell	Pappas	Pirsch	Rupp
Sieck	Vickers	Wagner	Warner	Wiitala

Voting in the negative, 21:

Abboud	Barrett	Beutler	Beyer	Chronister
DeCamp	Eret	Fenger	Goll	Goodrich
Haberman	Jacobson	Johnson, L.	Johnson, R.	Lamb
Nichol	Peterson, H.	Peterson, R.	Remmers	Schmit
Von Minden				

Present and not voting, 1:

Wesely

Excused and not voting, 2:

Clark Withem

The Newell amendment was adopted with 25 ayes, 21 nays, 1 present and not voting, and 2 excused and not voting.

Speaker Nichol requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 27 ayes, 17 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 604. E & R amendments, AM5153, found in the Journal on page 1972 for the Seventy-Sixth Day were adopted.

Mr. Fowler renewed his pending amendment, AM1408, found in the Journal on page 1999.

Mr. Fowler offered the following amendment to the Fowler pending amendment:

On page 1, line 7 and page 3, line 18 strike "fifty-five" and reinsert "sixty"

The amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Messrs. Abboud and DeCamp asked unanimous consent to be excused. No objections. So ordered.

The Fowler amendment, as amended, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Sieck renewed his pending amendment, AM1409, found in the Journal on page 2039.

MR. V. JOHNSON PRESIDING

Mr. Sieck moved for a Call of the House. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Sieck requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Goodrich	Haberman	Jacobson	Johnson, L.	Johnson, R.
Kahle	Labedz	Lundy	Pappas	Peterson, H.
Remmers	Rupp	Schmit	Sieck	Vickers

Von Minden

Voting in the negative, 20:

Barrett	Beutler	Beyer	Carsten	Cullan
Eret	Fowler	Hoagland	Johnson, V.	Kilgarin
Lamb	Landis	Marsh	Morehead	Newell
Nichol	Pirsch	Wagner	Warner	Wesely

Present and not voting, 8:

Chambers	Chronister	Fenger	Goll	Hannibal
Hefner	Peterson, R.	Wiitala		

Absent and not voting, 1:

Higgins

Excused and not voting, 4:

Abboud	Clark	DeCamp	Withem

The Sieck amendment lost with 16 ayes, 20 nays, 8 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

PRESIDENT MCGINLEY PRESIDING

Mr. Carsten renewed his pending amendment, AM1449, found in the Journal on page 2112.

Messrs. R. Johnson and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

The Carsten amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Kahle offered the following amendment:

1. Add a new section as follows:

That Laws 1982, Legislative Bill 602, Eighty-seventh Legislature Second Session, Section 3, be amended to read as follows:

68-115. (1) The term legal settlement for all public assistance

programs shall be taken and considered to mean as follows:

Every person, except those hereinafter mentioned, who has resided one year continuously in any county, shall be deemed to have a legal settlement therein; Provided, every person who has resided one year continuously within the state, but not in any one county, shall have a legal settlement in the county in which he has resided six months continuously.

(2) The time during which a person has been an inmate of any public or private charitable or penal institution, or has received care at public expenses in any type of care home, nursing home or board and room facility licensed as such and caring for more than one patient or guest, and each month during which he has received relief from private charity or the poor fund of any county shall be excluded in determining the time of residence hereunder, as referred to in subsection (1) of this section.

(3) Every minor, who is not emancipated and settled in his own right, shall have the same legal settlement as the parent with whom he has resided.

(4) A legal settlement in this state shall be terminated and lost by (a) acquiring a new one in another state; or (b) by voluntary and uninterrupted absence from this state for the period of one year with intent to abandon residence in Nebraska.

~~The Department of Public Welfare shall establish the residency or legal settlement requirements for eligibility for public assistance from the state and eligibility for medical services furnished by the county pursuant to section 68-104. The department shall not require a person to reside in a county or this state for more than one year to establish residency or legal settlement in the county or state respectively. Residency in this state shall be termined and lost by acquiring a new one in another state or by voluntary and uninterrupted absence from this state for the period of one year with intent to abandon residence in Nebraska.~~

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Kahle moved for a Call of the House. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

Mr. Kahle requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Barrett	Beutler	Beyer	Chronister	Cullan
Eret	Fenger	Goll	Haberman	Hefner
Johnson, L.	Kahle	Lundy	Morehead	Nichol
Pappas	Peterson, H.	Pirsch	Remmers	Schmit
Sieck	Von Minden	Wagner		

Voting in the negative, 15:

Carsten	Fowler	Hoagland	Jacobson	Johnson, V.
Kilgarin	Labedz	Landis	Marsh	Newell
Rupp	Vickers	Warner	Wesely	Wiitala

Present and not voting, 4:

Chambers	Goodrich	Hannibal	Higgins

Excused and not voting, 7:

Abboud	Clark	DeCamp	Johnson, R.	Lamb
Peterson, R.	Withem			

The Kahle amendment lost with 23 ayes, 15 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

Mrs. Higgins requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 33 ayes, 4 nays, 5 present and not voting, and 7 excused and not voting.

Messrs. Haberman and Barrett asked unanimous consent to be excused until they return. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Public Works

LR 37	Monday, May 16, 1983	7:00 p.m.
LR 62	Monday, May 16, 1983	7:00 p.m.

(Signed) Loran Schmit, Chairperson

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE RESOLUTION 72. Indefinitely postponed.

(Signed) David Landis, Chairperson

MESSAGES FROM THE GOVERNOR

May 10, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 209 and 192 were received in my office on May 4, 1983.

These bills were signed by me on May 10, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

May 10, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 433 was received in my office on May 4, 1983.

This bill was signed by me on May 10, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 607.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 607

The following changes, required to be reported for publication in the Journal, have been made:
ER0081

1. On page 1, line 3, "79-1333," has been stricken; the matter beginning with "to" in line 5 through the semicolon in line 7 has been stricken; and in line 10 after the first semicolon "to eliminate a provision relating to alcohol rehabilitation;" has been inserted and "an" has been stricken, and "date" has been stricken and "dates" inserted.

2. On page 13, line 10 after the second comma "and" has been inserted; and in line 16, "79-1333," has been stricken.

3. In the Standing Committee amendments, AM0989, on (a) page 1, line 3, "payments for" has been inserted after "to"; in line 17 an underscored comma has been inserted after "treasury"; and in line 20 an underscored comma has been inserted after "Justice" and (b) on page 2, line 26, "8" has been stricken and "7" inserted.

(Signed) Tristi J. Wilson
E & R Attorney

UNANIMOUS CONSENT - Member Excused

Speaker Nichol, Mr. Goll, and Mrs. Higgins asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 253. E & R amendments, AM5151, found in the Journal on page 1973 for the Seventy-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 621. E & R amendment, AM5131, found in the Journal on page 1755 for the Seventy-First Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 494. E & R amendments, AM5134, found in the Journal on page 1811 for the Seventy-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 388. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 472. E & R amendments, AM5141, found in the Journal on page 1850 for the Seventy-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 224. E & R amendments, AM5143, found in the Journal on page 1851 for the Seventy-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 356A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 210. E & R amendment, AM5154, found in the Journal on page 1973 for the Seventy-Sixth Day was adopted.

Mr. Fowler offered the following amendment:
AM1470

1. In the Fowler amendment beginning on page 1220 of the Journal on page 1, line 22, and on page 3, line 5, after "1984" insert ", or male annuity purchase rates on the date of purchase, if greater than those in effect on January 1, 1984".

Mr. Fowler moved for a Call of the House. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The Fowler amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. H. Peterson requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 7 nays, 8 present and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

Mr. Barrett asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 244. E & R amendment, AM5155, found in the Journal on page 1973 for the Seventy-Sixth Day was adopted.

Mr. Warner renewed his pending amendment, AM1373, found in the Journal on page 2123.

Mr. Warner moved for a Call of the House. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

The Warner amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

The Chair declared the Call raised.

LEGISLATIVE BILL 411. E & R amendments, AM5150, found in the Journal on page 1973 for the Seventy-Sixth Day were adopted.

Mrs. Labedz and Mr. H. Peterson asked unanimous consent to be excused. No objections. So ordered.

Messrs. Sieck and DeCamp renewed their pending amendment, AM0845, found in the Journal on page 1204.

Mr. Warner requested a ruling of the Chair on whether the Sieck-DeCamp amendment is germane to the bill.

The Chair ruled the amendment not germane to the bill.

Mr. Warner renewed his pending amendment, AM1442, found in the Journal on page 2123.

Mr. Hefner asked unanimous consent to be excused. No objections. So ordered.

Mr. Warner moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Cullan requested a roll call vote on the Warner amendment.

Voting in the affirmative, 30:

Beyer	Carsten	Chronister	Eret	Fenger
Hannibal	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Kahle	Kilgarin	Lamb	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, R.	Remmers	Rupp	Schmit	Sieck
Vickers	Von Minden	Wagner	Warner	Wiitala

Voting in the negative, 3:

Abboud Cullan Pirsch

Present and not voting, 5:

Beutler Chambers Fowler Goodrich Johnson, V.

Absent and not voting, 1:

Wesely

Excused and not voting, 10:

Barrett Clark DeCamp Goll Haberman
Hefner Higgins Labedz Peterson, H. Withem

The Warner amendment was adopted with 30 ayes, 3 nays, 5 present and not voting, 1 absent and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

The Chair declared the Call raised.

ATTORNEY GENERAL'S OPINION

Opinion No. 109
May 9, 1983

Dear Senator Chambers:

You have asked us several questions about LB 59, as amended. The amendment to which you refer is denoted as the Morehead-DeCamp amendment adopted May 3, 1983. Several of your questions concern the role of the State Board of Equalization and Assessment in the establishment of the sales and use tax rate. You ask whether the board functions as an entity or as individuals in their individual capacity, whether members may be compelled to accept economic projections with which they disagree, whether if there is an equally divided board, a particular member can be required to change his vote, and assuming that a board member may be ordered to change his vote, what penalty would attach for failure to so vote. We will answer your questions concerning the general character of the board before proceeding to your further questions with respect to LB 59.

The Nebraska Supreme Court in Anderson v. Tiemann, 182 Neb. 393, 155 N.W. 2d 322 (1967), recognized that the Board of Equalization with respect to setting the tax rates acts in a quasi-judicial capacity. In this quasi-judicial capacity the board acts to determine the facts and

enters orders based thereon. In this respect, the board acts as an entity in that the majority vote of the board determines what action the board will order with respect to tax rates. That entity concept, however, extends only to the final result. Each individual member possesses the capacity to make their own determination of the facts.

Each of the individual members acts in a quasi-judicial capacity and thus must determine for themselves what they believe the facts to be. To that extent, they can accept one version of the facts rather than another and cast their vote in accordance therewith. They cannot be compelled to accept one set of projections rather than another.

We will combine your following two questions in one discussion. In the first instance we would have to assume that one of the members of the board was not in attendance at such a meeting. Under normal judicial rules a tie vote would leave intact the existing situation. In this instance, however, we find it difficult to determine how a tie vote could occur absent the death or resignation or extended illness or incapacity of a board member. Absent such factors, if a tie vote occurred, the logical step to take would be to adjourn the meeting until the absent member could attend and cast a tie breaking vote. In any event, we know of no remedy which could require an individual member to make a particular vote.

To the extent they act in a quasi-judicial capacity, the members of the Board of Equalization perform the same function as any collegial court performs. That is, as a body, they reach a decision based on the required majority vote. While it is not free of doubt, we believe that Neb.Rev.Stat. §77-27,127 (Reissue 1981) provides the appeal procedure should some party wish to appeal the State Board action setting the tax rate. That would be an appeal to the district court. If the board as a whole fails to fulfill its legal responsibilities as set forth in the statute, mandamus would lie to compel them to act as required by the statute. Should the board refuse to follow properly entered orders of a court of competent jurisdiction, the members could be held in contempt.

Finally, you ask whether the Legislature may, if they have not succeeded through the passage of LB 59 in compelling the Board of Equalization to set the tax rates at the level deemed necessary by the Legislature, yet at this session enact legislation raising the sales and use tax to the level deemed necessary by the Legislature. It is obvious that the answer to this question is yes. The Legislature has plenary power over taxation and may establish the tax rate for sales and use tax at such rate as it deems necessary, at any time they can within the legislative rules. The Legislature has not compelled the Board of Equalization in LB 59 to set the sales and use tax rate at any particular level. LB 59 does nothing more than require the Board of Equalization to set the sales and use tax rates pursuant to Neb.Rev.Stat. §77-2715.01 (Supp.

1982). In previous opinions of the Attorney General we have specified the considerations which they must look to in this regard. See, Opinion No. 286, November 12, 1982. In that opinion we indicated that the board must follow the steps set out in subsections (1) (a) through (h) of Neb.Rev.Stat. §77-2715.01 in setting the tax rate. That result will still be required under LB 59. The only effect of LB 59 is that once the board has established the basic rate required under §77-2715.01, they must then add to it one-half of one percent as required by section 7 of LB 59. Conceivably the Board of Equalization could determine that the basic sales and use tax rate should be three percent. Under LB 59 they would have to add one-half of one percent to that rate for an effective rate of three and one-half percent.

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

cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Member Excused

Mr. Chronister asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 146. E & R amendments, AM5156, found in the Journal on page 2014 for the Seventy-Seventh Day were adopted.

Mrs. Pirsch renewed her pending amendment, AM1427, found in the Journal on page 2058.

The amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Mr. Beutler offered the following amendment:
AM1322

1. In the Pirsch amendment on page 1488 of the Journal, on page 2, line 9, after "country" insert "whose adoption has fulfilled the requirements of this section".

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.

VISITORS

Visitors to the Chamber were 36 fourth grade students, teachers, and sponsors from Gates Elementary School, Grand Island; Lisa Hart Carroll; Betty King; 13 students and teacher from District 52, Ravenna; 11 members of Extension Clubs from Fairview; and 25 students and teacher from Seward Public School, Seward.

ADJOURNMENT

At 4:59 p.m., on a motion by Mrs. Pirsch, the Legislature adjourned until 8:30 a.m., Wednesday, May 11, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-FIRST DAY - MAY 11, 1983

LEGISLATIVE JOURNAL

EIGHTY-FIRST DAY - MAY 11, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

EIGHTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 11, 1983

Pursuant to adjournment, the Legislature met at 8:33 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Harold Hamilton, Director of Pastoral Care, Tabitha Home, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Beyer, Chambers, Clark, Haberman, Hannibal, Hoagland, Newell, R. Peterson, Schmit, Wesely, and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eightieth Day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the Attached 1983 Reference Report on Legislative Resolutions as approved by the Executive Board on May 10, 1983.

51 Study be made of the impact of present and future railroad safety operations in NE. (Schmit) Public Works

58 Study to evaluate procedures of the Commission of Judiciary Qualifications and method of disciplining the Judiciary to determine whether reform of present method is needed. (Von Minden, Hefner, Beutler) Judiciary

59 Education Committee shall study statutes governing changes in school district boundaries which may occur as a result of municipal annexations. (Vickers, Schmit, et al.) Education

65 Rules Committee study legislative rules, including effective use of time; priority bills process; germaneness; interim studies, etc. (Hoagland, Jacobson, L. Johnson, Beutler) Rules

67 Health Committee study the need for expanded roles in nursing. (Marsh) Public Health and Welfare

76 Study of the township system of government in 28 Nebraska counties. (R. Johnson, Landis) Government, Military and Veterans Affairs

82 Judiciary Committee conduct interim study to evaluate various proposals for changes in criminal law and law enforcement procedure. (Judiciary - Beutler) Judiciary

83 Study by Judiciary Committee to coordinate efforts by that committee and various Bar Association and Supreme Court drafting committees with regard to problem areas in the law governing civil procedure. (Judiciary Committee - Beutler) Judiciary

84 Study by Law Enforcement Justice Advisory Committee to examine the NE Court system. (Law Enforcement Committee - Beutler) Judiciary

85 Study by Judiciary Committee of basic purposes, policies, and goals of corrections, sentencing and parole in NE. (Judiciary Committee - Beutler) Judiciary

86 Interim study to examine feasibility of creating a Youth Service Commission to replace all other separate organizations dealing with youth services. (Judiciary Committee - Beutler) Judiciary

88 Study of existing laws governing the qualifications, duties, and powers of notaries public. (Landis) Government, Military and Veterans Affairs

89 Study by Ag Committee of uranium mining in Nebraska. (Cullan) Agriculture and Environment

90 Study by Education Committee of the adequacy of current curriculum and graduation requirements applicable to the state's secondary schools and secondary students. (Vickers) Education

91 Study by Education Committee of the recommendations of the National Commission on Excellence in Education. (Vickers) Education

92 Study by Education Committee of issues related to school schedules. (Vickers) Education

94 Study by Judiciary Committee of the insanity defense to a criminal charge as it exists in Nebraska today. (Vickers, Pappas) Judiciary

95 Study the advisability of legislation to assess alternate methods of improving energy efficiency in existing housing stock. (DeCamp, Landis) Banking, Commerce and Insurance

96 Study by the Education Committee of the impact of federal budget cuts on elementary, secondary and post-secondary educational services in the state. (Fowler) Education

97 Study by Health Committee of the impact of federal budget cuts on human services across Nebraska. (Fowler) Public Health and Welfare

98 Study by Judiciary Committee of the need to provide interpreters for hearing or speaking impaired individuals in legal matters. (Fowler) Judiciary

99 Study by Judiciary Committee of the need to develop a state medical examiner system in NE. (Fowler, Chambers) Judiciary

100 Study by the Public Works Committee of the feasibility of permission of the Legislature to allow political subdivisions to establish ownership and/or operation of a cable utility system (CATV). (DeCamp) Public Works

102 Study by the Education Committee of the feasibility of extending public radio service across the state. (Fowler) Education

104 Study by the Health Committee of optional Medicaid services paid by the state and an investigation of eligibility requirements. (Fenger, R. Peterson, Barrett) Appropriations/Public Health and Welfare

106 Study be conducted to determine the effectiveness of the program conducted by the NRDs to provide funding for conservation practices to be put in place by individual landowners. (Beutler) Public Works

107 Study the advisability of legislation in the area of computer education in the public schools. (Beutler) Education

108 Study the problem of the expansion of cult activity in Nebraska. (Goll) Judiciary

109 Study by the Ag Committee of the nature and extent of groundwater pollution in Nebraska. (Beutler) Agriculture and Environment

112 Study by the Appropriations Committee of the funding of the state college system. (Kahle) Appropriations

113 Study of Nebraska's high school nonresident tuition formula and the issues of fairness and equity. (Kahle) Education

114 Creation of a task force to undertake a study of Nebraska's jails. (L. Johnson, R. Johnson, Landis, Goll) Government, Military and Veterans Affairs

115 Study be conducted to examine the provision of LBs 259 and 336, the effects of enforcement provisions; lotteries operated by political subdivisions; areas of gambling or lotteries which are not addressed by either bill. (Miscellaneous Subjects Committee - Hefner) Miscellaneous Subjects

116 Study of abuses of automatic dialing-announcing devices.

(Miscellaneous Subjects - Hefner) Miscellaneous Subjects

117 Study by Revenue Committee of certain aspects of NE tax law in relation to tax liability on annuity income. (Sieck) Revenue

118 Study by Government Committee of the impact on county governments of the development of a centralized filing or indexing system of recording all liens held by security interest holders in the state. (Sieck, Carsten, Vickers) Government, Military and Veterans Affairs

119 Study of Nebraska's Public Employee Retirement Programs. (V. Johnson) Nebraska Retirement Systems

120 Review of the present system of delivering mental health services for the state. (R. Peterson, Withem, Wesely, Fenger, Rupp) Public Health and Welfare

121 Public Health Committee study the adequacy of state Aid to Dependent Children payments, the fairness of distribution procedure. (Fowler) Public Health and Welfare

122 Health Committee study duties and powers of dental hygienists and assistants and their auxiliary capacities in the practice of dentistry. (Fowler) Public Health and Welfare

123 Business and Labor Committee study the need to raise the state minimum wage. (Fowler) Business and Labor

124 Study by the Education Committee of the post-secondary educational system in Nebraska. (V. Johnson) Education

125 Study by the Banking Committee relating to issues of commerce in the State: LBs 343, 340, 502, 554. (Banking Committee - DeCamp) Banking, Commerce and Insurance

126 Banking Committee study, review and take further testimony on: Termination or continuation of Boards of Public Accountancy, NE Real Estate Comm., Abstractors Board of Examiners. (Banking Committee - DeCamp) Banking, Commerce and Insurance

127 Study by Banking Committee of state's Insurance Code and regulations. (Banking - DeCamp) Banking, Commerce and Insurance

128 Study by Health Com. of specific facilities not required to be inspected by office of state boiler inspector. (Fowler) Business and Labor

129 Study by Business and Labor Com. of procedures governing employee claims for wages. (Fowler) Business and Labor

130 Study of the need for development of a new personnel plan for all Legislative Council employees. (V. Johnson) Executive Board

132 Study by Urban Affairs Com. of the means available in Nebraska for financing capital improvements in municipalities, suburbs, and unincorporated rural communities. (Fenger, Newell, Hannibal, Withem) Urban Affairs

133 Joint study by Revenue and Education Committees to determine feasibility of expanding the local tax base beyond the property tax by implementing a local income tax to finance school districts. (Remmers, Sieck) Revenue/Education

134 Study be conducted to consider whether defining in statute what constitutes abandonment is necessary and whether additional grounds should be added to adoption statutes to provide for step-parent adoption. (Pirsch) Judiciary

135 Study be conducted to consider methods of solving time-consuming and expensive process of issuing warrants for drivers who fail to appear in court for traffic violations. (Pirsch) Public Works

136 Study for private nonprofit organizations designed to plan, administer, and deliver programs for low-income persons. (Public Health and Welfare - Cullan) Public Health and Welfare

137 Study to be conducted to examine the current status of the Bureau of Examining Boards to consider reconstruction of the bureau. (Health and Welfare - Fenger) Public Health and Welfare

138 Study to be conducted regarding expanding roles of nursing in obstetrics and gynecology. (Health and Welfare - Fenger) Public Health and Welfare

139 Study to be conducted enacting legislation which permits reciprocity with adjacent states regarding ownership of banks. (Banking, Commerce and Insurance - DeCamp) Banking, Commerce and Insurance

140 To study malpractice and professional and commercial liability laws as they pertain to citizens and industries in the State of Nebraska. (Banking, Commerce and Insurance - Fowler) Banking, Commerce and Insurance

141 To study the procedure utilized by the Nebraska courts in sentencing persons convicted of criminal offenses and possible reforms of the procedure. (Judiciary - Chambers) Judiciary

142 To study the correctional institutions under the direction or control of the Nebraska Department of Correction Service. (Judiciary - Chambers) Judiciary

143 Study to address issues of concern to the citizenry of the State of Nebraska. (Public Works - Schmit) Public Works

144 Study to address issues relating to the conservation, utilization, management and development of Nebraska's soil and water resource. (Public Works - Schmit) Public Works

145 Study to examine issues involving determination of employer-employee status under the Nebraska Employment Security Law. (Business and Labor - Fowler, Barrett) Business and Labor

146 Examine possible amendments to the NE Employment Security

Law. (Business and Labor) Business and Labor

147 Examine possible legislation in response to issues raised in LB 567, which proposed requiring larger employers, to give notice and provide certain employee benefits to ease economic dislocation. (Business and Labor) Business and Labor

148 Study the need for legislation in response to concerns raised by LB 280, which proposes to provide employees with rights to information from employers regarding toxic substances used or produced in the workplace. (Business and Labor) Business and Labor

149 Study the proper role of psychiatric testimony on the question of insanity in criminal cases. (Pirsch) Judiciary

150 Study the current method of handling child custody and child support cases within our state court system. (Hoagland) Judiciary

151 Investigate restrictive rental practices in NE. (V. Johnson) Judiciary

152 Study issues of importance to agriculture in Nebraska: establishment of fees by the Public Service Commission; fees charged under the weight and measures law by regulation, rather than by statute as proposed by LB 580; establishment of idle service or standby charges charged to irrigators. (Agriculture and Environment) Agriculture and Environment

153 Examine the marketing and promotion of Nebraska's agricultural commodities. (Agriculture and Environment) Agriculture and Environment

154 Study the establishment of a Nebraska weekly commodity pricing directory. (Agriculture and Environment) Agriculture and Environment

155 Study the increase of violence of extremist hate groups and the extent these groups are engaged in paramilitary training. (Hoagland, Beutler) Government, Military and Veterans Affairs

156 Conduct a study relating to Article XIII, Section 3, of the Constitution of Nebraska, relating to prohibiting the giving of credit by the state. (Constitutional Revision and Recreation) Constitutional Revision and Recreation

157 Study the feasibility of an income tax check-off program for the purpose of propagating and protecting nongame wildlife in the state. (Constitutional Revison and Recreation) Revenue

158 Study the issue of placing a uniform constitutional limitation upon the amount of ad valorem taxes. (Constitutional Revision and Recreation) Revenue

159 Study alternative methods of organization and structure for governing Nebraska's postsecondary school institutions.

(Hoagland) Education

160 Study landowner compensation in the area of game managment. (Sieck, Lamb) Constitutional Revision and Recreation

161 Study issues relating to the public power industry and power consumers in Nebraska. (Schmit) Public Works

162 Study concepts used by other states to encourage the development of older communities. (Newell) Urban Affairs

163 Study the effectiveness of Community Development Block Grants for the redevelopment of cities. (Newell) Urban Affairs

164 Study financing mechanisms available to provide fair housing for low and moderate income families. (Newell) Urban Affairs

165 Study the effects of Nebraska's unicameral legislative system on the state decision-making process. (V. Johnson) Miscellaneous Subjects

166 Review the current status of property valuation and equalization in Nebraska. (Revenue) Revenue

167 Study methods or providing property tax relief. (Revenue) Revenue

168 Examine Nebraska's present "piggyback" income tax. (Revenue) Revenue

169 Review the effects of LB 868. (Banking, Commerce and Insurance) Urban Affairs

170 Review the issue of mandating insurance coverage for alcoholism. (Kilgarin) Banking, Commerce and Insurance

171 Study alternatives for cost-containment and cost-reduction measures under Title XIX Medical Assistance program. (Fowler, Newell) Appropriations/Public Health and Welfare

172 Study by Retirement Committee of the adequacy of current retirement plans for county law enforcement personnel. (Nebraska Retirement Systems - Fowler) Nebraska Retirement Systems

173 Retirement Committee review for possible changes the General Principles of Sound Retirement Planning. (Nebraska Retirement Systems - Fowler) Nebraska Retirement Systems

174 Retirement Committee examine issues relating to the investment of funds for various state retirement plans. (Nebraska Retirement Systems - Fowler) Nebraska Retirement Systems

175 Revenue Committee study questions surrounding Nebraska's severance tax policy. (Wesely) Revenue

176 Banking Committee study the differences between financing by mortgage and financing by trust deed. (Wesely) Banking, Commerce and Insurance

177 Public Works Committee undertake a study involving consumers, the natural gas industry, the Administration, (LB 122). (Wesely) Public Works

178 Research Division conduct an oversight of energy programs administered by the state. (Wesely) Banking, Commerce and Insurance

179 Revenue Committee work with interested parties, including the NE Investment Council, in studying the management of the Permanent School Fund. (Wesely) Banking, Commerce and Insurance

180 Public Health Committee be designated to work with the Nebraskans for Quality and Affordable Health Care to examine issues related to the containment of rising health care costs. (Wesely) Public Health and Welfare

181 Study be conducted relative to the impact of state-aid on local subdivisions. (Wesely) Revenue

182 Study be conducted into the investment of state pension funds. (Wesely) Nebraska Retirement Systems

183 Education Committee review the role of state-supported postsecondary institutions. (Vickers) Education

184 Banking Committee study the energy problems facing Nebraska. (Fowler, DeCamp) Banking, Commerce and Insurance

185 Study to examine procedures and guidelines utilized by Dept of Roads in selecting locations where railroad crossing guards are to be placed. (Haberman) Public Works

186 Executive Board to authorized to conduct a study to examine the functioning of the Municipal Power Pool and the Municipal Energy Agency of NE. (Warner, Lamb, Schmit, DeCamp) Executive Board

187 Committee composed of the Chrm and 3 members of the Education and Appropriations Committees be authorized to study postsecondary education. (Warner, Pappas, Vickers) Education/Appropriations

188 Study by the Government Committee of state nursing home and hospital standards and regulations and their adequacy. (Fowler) Public Health and Welfare

189 Study by the Health Committee relating to requiring education for doctors practicing medicine in Nebraska. (Fowler) Public Health and Welfare

190 Study the present and future development of health maintenance organizations in NE. (Abboud) Public Health and Welfare

191 Study of electric utilities and electric rates in Nebraska. (Abboud) Public Works

193 Study of all aspects of the tuition credit program as applies to NE residents enlisted as members of a NE-based unit of Active Selected Reserves of the US Armed Forces. (Landis) Government, Military and Veterans Affairs

194 Study of the state's obligations and requirements in the

administration of federal block grant funds. (Landis) Government, Military and Veterans Affairs

The Legislative Council Executive Board submits the attached Reference Report No. XIII, Governor's Appointment, and the referral of legislative resolution 87.

LR	Committee
LR 87	Agriculture and Environment

Government, Military and Veterans Affairs
Jake Gonzales, Jr. - Director, Department of Veterans Affairs

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

MOTION - Place LR 72 on General File

Mr. Von Minden moved to place Legislative Resolution 72 on General File notwithstanding the action of the Government, Military and Veterans Affairs Committee pursuant to Rule 3, Section 16 of the Rules of the Nebraska Unicameral.

Laid over.

RESOLUTIONS

LEGISLATIVE RESOLUTION 110. Read. Considered.

LR 110 was adopted with 30 ayes, 0 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 111. Read. Considered.

LR 111 was adopted with 30 ayes, 0 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 192. Read. Considered.

LR 192 was adopted with 33 ayes, 0 nays, and 16 not voting.

LEGISLATIVE RESOLUTION 195. Read. Considered.

LR 195 was adopted with 33 ayes, 0 nays, and 16 not voting.

UNANIMOUS CONSENT - Withdraw Amendment to LB 126

Mr. Cullan asked unanimous consent to withdraw his pending amendment, AM1466, found in the Journal on page 2152 to LB 126. No objections. So ordered.

MOTION - Return LB 126 to Select File

Speaker Nichol moved to return LB 126 to Select File for the following specific amendment:

1. On page 3, strike beginning with "leading"
in line 12 through "degree" in line 13 and insert "in
regularly scheduled classes".

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Speaker Nichol moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Speaker Nichol requested a roll call vote on his motion to return.

Voting in the affirmative, 27:

Abboud	Barrett	Carsten	Chronister	Clark
Fenger	Goll	Goodrich	Haberman	Hefner
Jacobson	Johnson, L.	Kahle	Kilgarin	Lamb
Morehead	Nichol	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Sieck	Von Minden	Wagner
Warner	Wesely			

Voting in the negative, 15:

Cullan	Eret	Fowler	Higgins	Hoagland
Johnson, R.	Johnson, V.	Labedz	Landis	Marsh
Newell	Pappas	Vickers	Wiitala	Withem

Present and not voting, 4:

Chambers	DeCamp	Lundy	Schmit

Excused and not voting, 3:

Beutler	Beyer	Hannibal

The Nichol motion to return prevailed with 27 ayes, 15 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 126. The Nichol specific amendment found in this day's Journal was considered.

Mr. Wiitala moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

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

Speaker Nichol requested a roll call vote on his amendment.

Voting in the affirmative, 27:

Abboud	Carsten	Chambers	Chronister	Clark
Fenger	Goll	Goodrich	Haberman	Hefner
Jacobson	Johnson, L.	Kahle	Lamb	Lundy
Morehead	Nichol	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Sieck	Von Minden
Wagner	Warner			

Voting in the negative, 15:

Cullan	Eret	Fowler	Hannibal	Hoagland
Johnson, R.	Johnson, V.	Labedz	Landis	Marsh
Newell	Pappas	Vickers	Wiitala	Withem

Present and not voting, 4:

Barrett	Higgins	Kilgarin	Wesely

Excused and not voting, 3:

Beutler	Beyer	DeCamp

The Nichol specific amendment was adopted with 27 ayes, 15 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. Remmers asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Re-Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 118A. Placed on Select File.

LEGISLATIVE BILL 336A. Placed on Select File as amended.
E & R amendments to LB 336A:
AM5160

1. On page 2, line 15, strike "39" and insert "30".
2. On page 3, line 11, strike "Legilsative" and insert "Legislative".

LEGISLATIVE BILL 159. Placed on Select File as amended.
E & R amendments to LB 159:
AM5161

1. On page 4, line 3, strike "contructing", show as stricken, and insert "constructing".
2. On page 8, line 26, after "project" insert "or".
3. Insert the following new section:

"Sec. 14. That section 79-2903, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2903. As used in sections 79-2901 to 79-2953, unless the context otherwise requires the definitions found in sections 79-2904 to 79-2909 and section 2 of this act shall apply.".

4. On page 1, line 1, and page 16, line 2 after "79-2901," insert "79-2903,".
5. Renumber original section 14 as section 15.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Remmers asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendments to LB 336 in the Journal. No objections. So ordered.

(1)

AM1473

(Amendments to the Beutler/Pappas amendments, AM1400)

1. On page 15, line 10, strike "forty-five"
and insert "sixty-five"; and in line 17 strike "thirty"
and insert "twenty-five".

(2)

AM1474

(Amendments to the Beutler/Pappas amendments, AM1400)

1. Insert the following new section:
"Sec. 46. If, by January 1, 1986, the net proceeds received from the state lottery operated pursuant to the Nebraska Lottery Control and Enforcement Act are less than twenty million dollars then sections 1 to 39 of this act shall terminate on July 1, 1986.".
2. Renumber the remaining sections accordingly.

MOTION - Proposed Rule Change

Mr. V. Johnson offered the following rule change:
Amend Rule 8, Section 5:

Sec. 5. Bills, Held on Final Reading. The report of the Appropriations Committee shall include a recommended dollar amount of the General Fund biennium appropriation provided for in Sec. 4 of this Rule which shall be allocated for the funding of "A" bills, bills that result in the net reduction of revenue to the General Fund, tax expenditure bills, and amendments to the appropriation bills as reported to General File by the Appropriations Committee. All "A" bills which, when considered with their companion bill, appropriate General Funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; and all tax expenditure bills shall not be read on final reading until the appropriation bills are passed by the Legislature. Provided the Appropriations Committee shall place appropriation bills on General File no later than the 70th Legislative Day in a 90 day session and the 40th Legislative Day in a 60 day session. If this deadline is not met, the Legislature shall consider the appropriation bills as introduced by the Governor. The appropriation bills shall be passed no later than the 80th Legislative Day in a 90 day session and the 50th Legislative day in a 60 day session. Such appropriation bills proposed by the Appropriations Committee plus the allocation for the funding of "A" bills, all bills resulting in the reduction of revenue to the General Fund,

and all tax expenditure bills, shall not be in excess of the maximum General Fund appropriation adopted by resolution pursuant to Sec. 4 of this Rule. The appropriation provided for in an "A" bill shall be for not less than two fiscal years.

Referred to the Rules Committee.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 585.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 585
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0106

1. Because of the Vickers amendment, on page 6, line 1, beginning with "obtains" through "and" in line 2, the matter has been stricken.

(Signed) Tristi J. Wilson
E & R Attorney

MOTION - Return LB 126 to Select File

Mr. Vickers moved to return LB 126 to Select File for the following specific amendment:

Strike existing section 5 of the bill and insert the following new language:

Sec. 5 The Commission shall receive from eligible institutions the applications of eligible Nebraska students and reject or approve such applications, and also prorate awards based on financial inability of such students as defined in subdivision (3) of section 2 and available resources.

Messrs. Chronister and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Vickers moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Vickers motion to return prevailed with 25 ayes, 13 nays, 9 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 126. The Vickers specific amendment found in this day's Journal was considered.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Cullan	DeCamp	Eret	Fenger	Hannibal
Higgins	Johnson, R.	Johnson, V.	Kilgarin	Labedz
Landis	Marsh	Morehead	Newell	Pappas
Peterson, H.	Sieck	Vickers	Wesely	Withem

Voting in the negative, 23:

Abboud	Barrett	Beutler	Carsten	Clark
Fowler	Goll	Goodrich	Haberman	Hefner
Hoagland	Jacobson	Johnson, L.	Kahle	Lamb
Lundy	Nichol	Pirsch	Rupp	Schmit
Von Minden	Wagner	Warner		

Present and not voting, 4:

Chambers	Chronister	Peterson, R.	Wiitala

Excused and not voting, 2:

Beyer	Remmers

The Vickers amendment lost with 20 ayes, 23 nays, 4 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

The Chair declared the Call raised.

MOTION - Return LB 126 to Select File

Mr. Warner moved to return LB 126 to Select File for the following specific amendment:

On page 2, in line 11, after "institution" insert "excluding the University of Nebraska and Nebraska State Colleges", and strike "state

or".

On page 4, in line 5, after "institution" insert "excluding the University of Nebraska and Nebraska State Colleges", and strike "state or".

MRS. LABEDZ PRESIDING

Mr. Warner moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Cullan requested a roll call vote on his motion to return.

Voting in the affirmative, 18:

Barrett	Carsten	Chronister	Clark	Hefner
Jacobson	Johnson, L.	Kahle	Lamb	Morehead
Nichol	Pappas	Pirsch	Sieck	Von Minden
Wagner	Warner	Wesely		

Voting in the negative, 23:

Abboud	Beutler	Cullan	DeCamp	Eret
Fowler	Goodrich	Haberman	Hannibal	Higgins
Hoagland	Johnson, R.	Johnson, V.	Kilgarin	Labedz
Landis	Newell	Peterson, H.	Rupp	Schmit
Vickers	Wiitala	Withem		

Present and not voting, 6:

Chambers	Fenger	Goll	Lundy	Marsh
Peterson, R.				

Excused and not voting, 2:

Beyer	Remmers

The Warner motion to return lost with 18 ayes, 23 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Cullan moved to return LB 126 to Select File for his reoffered amendment, AM1466, found in the Journal on page 2152.

Mr. Cullan moved for a Call of the House. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Mr. Cullan requested a roll call vote on his motion to return.

Voting in the affirmative, 29:

Abboud	Barrett	Beutler	Cullan	DeCamp
Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Higgins	Hoagland	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Landis
Marsh	Morehead	Newell	Pappas	Peterson, H.
Schmit	Vickers	Wiitala	Withem	

Voting in the negative, 15:

Carsten	Clark	Hefner	Jacobson	Johnson, L.
Lamb	Lundy	Nichol	Pirsch	Rupp
Sieck	Von Minden	Wagner	Warner	Wesely

Present and not voting, 3:

Chambers	Chronister	Peterson, R.

Excused and not voting, 2:

Beyer	Remmers

The Cullan motion to return prevailed with 29 ayes, 15 nays, 3 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 126. The Cullan specific amendment, AM1466, found in the Journal on page 2152 was considered.

Mr. Cullan requested a roll call vote on his amendment.

Voting in the affirmative, 27:

Abboud	Barrett	Beutler	Cullan	DeCamp
Eret	Fenger	Fowler	Goll	Goodrich
Hannibal	Higgins	Hoagland	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Landis	Marsh
Newell	Pappas	Peterson, H.	Schmit	Vickers
Wiitala	Withem			

Voting in the negative, 19:

Carsten	Chambers	Chronister	Clark	Haberman
Hefner	Jacobson	Johnson, L.	Lamb	Lundy
Morehead	Nichol	Pirsch	Rupp	Sieck
Von Minden	Wagner	Warner	Wesely	

Present and not voting, 1:

Peterson, R.

Excused and not voting, 2:

Beyer Remmers

The Cullan amendment was adopted with 27 ayes, 19 nays, 1 present and not voting, and 2 excused and not voting.

PRESIDENT MCGINLEY PRESIDING

Mr. Clark requested a machine vote on the advancement of the bill.

Advanced to E & R for Re-Engrossment with 27 ayes, 18 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 583. Placed on Select File as amended.
E & R amendment to LB 583:
AM5162
1. On page 1, line 5, strike "and" and after "section" insert "; and to declare an emergency".

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Fenger asked unanimous consent to print the following amendment to LB 254 in the Journal. No objections. So ordered.

AM1437
1. Strike E & R amendments 2 and 7.
2. On page 2, strike beginning with

"sections" in line 4 through "71-5519" in line 5, show as stricken, and insert "the Emergency Medical Technician- Paramedic Act".

3. On page 8, line 12, after the period insert "Approved service program shall include military emergency services operating in cooperation with surrounding communities."; in line 19, strike beginning with "sections" through "71- 5522", show the old matter as stricken, and insert "the Emergency Medical Technician- Paramedic Act"; and strike beginning with "the" in line 21 through "71- 5522" in line 22, show the old matter as stricken, and insert "such act".

4. On page 11, line 18, strike "sections 71- 5501 to 71- 5522" and insert "the Emergency Medical Technician- Paramedic Act", and strike "pursuant"; in line 19 strike the first "to"; and in line 20 strike "sections 71- 5501 to 71- 5522" and insert "such act".

5. On page 20, line 27, strike beginning with "provisions" through "71- 5522", show the old matter as stricken, and insert "Emergency Medical Technician- Paramedic Act".

6. On page 21, strike beginning with "provisions" in line 22 through "71- 5522" in line 23 and insert "Emergency Medical Technician- Paramedic Act".

7. On page 23, strike beginning with "provisions" in line 4 through "71- 5522" in line 5 and insert "Emergency Medical Technician- Paramedic Act".

8. On page 24, line 5, and on page 28, line 24, strike "sections 71- 5501 to 71- 5522" and insert "the Emergency Medical Technician- Paramedic Act".

9. On page 29, line 5, strike "sections 71-5501 to" and show as stricken, and strike "71- 5522" and insert "such act"; in line 6 strike "sections" and show as stricken; in line 7 strike "71-5501 to" and show as stricken, and strike "71- 5522" and insert "such act"; in line 8 strike "pursuant to sections 71-5501 to" and show as stricken; and in line 9 strike "71- 5522" and insert "thereunder".

10. On page 30, line 1, strike "sections 71- 5501 to 71- 5522" and insert "The Emergency Medical Technician- Paramedic Act".

11. On page 36, line 9, strike "sections 71- 5501 to 71- 5522" and insert "the Emergency Medical Technician- Paramedic Act".

12. On page 39, line 1, strike "sections

25 71-5501 to 71-5522" and insert "the Emergency Medical
26 Technician-Paramedic Act".

BILLS ON FIRST READING

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

LEGISLATIVE BILL 450A. By Fowler, 27th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 450, Eighty-eighth Legislature, First Session, 1983.

LEGISLATIVE BILL 562A. By Fowler, 27th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 526, Eighty-eighth Legislature, First Session, 1983.

MOTION - Return LB 59 to Select File

Mrs. Morehead and Mr. DeCamp moved to return LB 59 to Select File for their pending amendment, AM1424, found in the Journal on page 2080.

The motion to return prevailed with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 59. The Morehead-DeCamp specific amendment, AM1424, found in the Journal on page 2080 was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Withdraw Amendment to LB 59

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM1433, found in the Journal on page 2084 to LB 59. No objections. So ordered.

MOTION - Return LB 59 to Select File

Mr. Lamb moved to return LB 59 to Select File for his pending

amendment found in the Journal on page 2097.

Mr. Fowler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Lamb requested a record vote on his motion to return.

Voting in the affirmative, 13:

Abboud	Chambers	Clark	Cullan	Fenger
Jacobson	Johnson, L.	Lamb	Nichol	Peterson, H.
Peterson, R.	Pirsch	Von Minden		

Voting in the negative, 23:

Beutler	Carsten	DeCamp	Fowler	Haberman
Hannibal	Hoagland	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Landis	Lundy	Marsh	Morehead
Newell	Pappas	Rupp	Sieck	Vickers
Wesely	Wiitala	Withem		

Present and not voting, 11:

Barrett	Chronister	Eret	Goll	Goodrich
Hefner	Higgins	Labedz	Schmit	Wagner
Warner				

Excused and not voting, 2:

Beyer	Remmers

The Lamb motion to return lost with 13 ayes, 23 nays, 11 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LR 10 in the Journal. No objections. So ordered.

AM1467

1. Strike original section 1 and insert the following new sections:

"Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following

amendment to Article III, section 24, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

Sec. 24. ~~The~~ (1) Except as provided in subsection (2) of this section, the Legislature shall not authorize (a) any game of chance, ~~nor any~~ lottery, or gift enterprise where the consideration for a chance to participate involves the payment of money for the purchase of property, services, chance, or admission ticket, or requires an expenditure of substantial effort or time ; ~~Provided, that it~~ or (b) any political subdivision of the state to conduct any lottery, raffle, or gift enterprise.

(2) The Legislature may authorize and regulate (a) other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises and (b) a statewide lottery run by the State of Nebraska whose purpose shall be to provide revenue to the state.

(3) Nothing in this section shall be construed to prohibit the enactment of laws providing for the licensing and regulation of wagering on the results of horse races by the parimutuel or certificate method, when conducted by licensees within the race track enclosure at licensed horse race meetings, or to prohibit the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license; PROVIDED, bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.".

2. On page 2, line 24, after "established" insert "and to prohibit lotteries conducted by political subdivisions".

UNANIMOUS CONSENT - Withdraw Motion on LB 211

Mr. Chambers asked unanimous consent to withdraw his motion to place LB 211 on General File. No objections. So ordered.

Explanation: Because of scheduling problems, and per Speaker's request the motion will be withdrawn and refiled later, as per agreement with Speaker.

VISITORS

Visitors to the Chamber were 28 students, teacher, and sponsors from Guardian Angel School, West Point; 27 students and teacher from Karen-Western School, Ralston; 42 fourth grade students and teachers from Stoddard Elementary, Beatrice; 30 fourth grade students, teachers, and mothers from Starr School, Grand Island; former Senator Bob Murphy; 7 students and teachers from Rising City; 26 fourth grade students, teacher, and sponsors from West Park Elementary School, Columbus; and 15 fourth grade students, teacher, and adults from Williams School, Columbus.

RECESS

At 11:53 a.m., on a motion by Mr. Lundy, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Beyer, Chambers, Fowler, V. Johnson, Lamb, Landis, Remmers, Rupp, Warner, Wesely, Wiitala, Miss Kilgarin, and Mrs. Labedz who were excused until they arrive.

PRESIDENT MCGINLEY PRESIDING

MOTION - Return LB 59 to Select File

Mr. Warner moved to return LB 59 to Select File for the following specific amendment:
AM1422

1. Insert the following new section:
"Sec. 10. That section 81-125.01, Revised Statutes Supplement, 1982, be amended to read as follows:
81-125.01. The Governor, when preparing the budget provided for in section 81-125, and the Legislature, when preparing its proposed budget, shall include a reserve requirement, calculated pursuant to subsection (1) of section 77-2715.01, of not less than ~~three~~ two per cent of the appropriations included in such budget.".

2. On page 7, line 24, strike "section" and insert "sections" and after "77-2715.01" insert "and 81-125.01"; and in line 25 strike "is" and insert "are".
3. Renumber remaining sections accordingly.

The Warner motion to return prevailed with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 59. The Warner specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 204 to Select File

Mr. Newell moved to return LB 204 to Select File for his specific amendment found in the Journal on page 1923.

Mr. Newell asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Amendment to LB 371

Mr. Newell asked unanimous consent to withdraw his pending amendment found in the Journal on page 1863 to LB 371. No objections. So ordered.

MOTION - Return LB 371 to Select File

Mr. Newell moved to return LB 371 to Select File for the following specific amendment:
AM1479

1. Insert the following new section:
"Sec. 2. In any proceeding when a court has ordered visitation with any minor child on behalf of a parent the court shall enforce its visitation orders as follows:
(1) Upon the filing of a motion which is accompanied by an affidavit stating that the custodial parent has unreasonably withheld or interferred with the exercise of the noncustodial parent's court ordered visitation, after notice to the custodial parent and hearing, the court shall enter such orders as are

appropriate and reasonably necessary to enforce visitation rights, including the modification of previous court orders relating to visitation. The court may use contempt powers to enforce its court orders relating to visitation. The court may require the custodial parent to file a bond or otherwise give security to insure his or her compliance with court ordered visitation provisions.

(2) Costs, including reasonable attorney's fees, may be taxed against a party found to be in contempt pursuant to this section.".

2. Renumber the remaining sections and internal references accordingly.

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

The Newell motion to return prevailed with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 371. The Newell 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 Re-Engrossment.

MOTION - Return LB 371 to Select File

Mr. Hoagland moved to return LB 371 to Select File for the following specific amendment:

Amend Final Reading Copy:
On page 10, strike lines 2 through 9
On page 11, strike lines 16 through 20

Mr. Hoagland moved for a Call of the House. The motion prevailed with 12 ayes, 2 nays, and 35 not voting.

Mr. Hoagland requested a roll call vote on his motion to return.

Voting in the affirmative, 12:

Abboud	Beutler	Chambers	Cullan	Eret
Fowler	Hoagland	Johnson, R.	Johnson, V.	Kilgarin
Landis	Vickers			

Voting in the negative, 28:

Barrett	Chronister	Clark	Fenger	Goll
Goodrich	Haberman	Hannibal	Hefner	Jacobson
Johnson, L.	Kahle	Lamb	Morehead	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Sieck	Von Minden	Wagner	Warner
Wesely	Wiitala	Withem		

Present and not voting, 6:

DeCamp	Higgins	Lundy	Marsh	Newell
Nichol				

Excused and not voting, 3:

Beyer	Carsten	Labedz

The Hoagland motion to return lost with 12 ayes, 28 nays, 6 present and not voting, and 3 excused and not voting.

Mr. Schmit moved to return LB 371 to Select file for his specific amendment, AM1458, found in the Journal on page 2115.

The Schmit motion to return prevailed with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 371. The Schmit specific amendment, AM1458, found in the Journal on page 2115 was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 371 to Select File

Mr. Hoagland moved to return LB 371 to Select File for the following specific amendment:
AM1268

(Amendments to the Final Reading Copy)

1. On page 4, line 6, after the period insert:

"Any restraining order issued excluding either party from the premises occupied by the other party shall specifically set forth the location of the

premises and shall be served upon the party by the sheriff in the manner prescribed for serving a summons. A return of the summons shall be filed in district court. Any person who knowingly violates such restraining order after proper service shall be guilty of a Class V misdemeanor.".

The Chair declared the Call raised.

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hoagland motion to return lost with 7 ayes, 15 nays, 24 present and not voting, and 3 excused and not voting.

Mr. Beutler moved to return LB 371 to Select File for the following specific amendment:

On page 3, line 26, strike the underscored period and insert; except that no restraining order enjoining any party from molesting or disturbing the peace of any minor child shall issue unless, at the same time, the court determines that the party requesting such order shall have temporary custody of such minor child.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler motion to return prevailed with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 371. The Beutler specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 531. Placed on General File as amended.
Standing Committee amendments to LB 531:
AM1471

1. On page 2, line 1, strike "Sections" and insert "Except as provided in section 20 of this act, sections"; in line 15, after "statement" insert

"including the firefighters' contributions picked up by the city as provided in subsection (2) of section 5 of this act"; in line 17 strike "14" and insert "15"; and in line 26 after "act" insert ". Annuity conversion rates contained in any such contract shall be specified on a sex neutral basis".

2. On page 3, line 16, after "accrued" insert "at five per cent per annum"; in line 21 strike "16" and insert "17"; in line 22 before "Each" insert "(1)"; and in line 25 strike "seven" and insert "six and one half".

3. On page 4, after line 2, insert a new subsection as follows:

"(2) Each city of the first class with firefighters participating in a retirement system established pursuant to sections 1 to 19 of this act shall pick up the firefighters' contributions required by this section for all compensation paid on or after January 1, 1984, and the contributions so picked up shall be treated as employer contributions in determining federal tax treatment under the United States Internal Revenue Code, except that the city shall continue to withhold federal income taxes based upon such contributions until the Internal Revenue Service or the federal courts rule that, pursuant to section 414(h) of the United States Internal Revenue Code, such contributions shall not be included as gross income of the employee until such time as they are distributed or made available. The city shall pay the employee contributions from the same source of funds which is used in paying earnings to the employee. The city shall pick up the employee contributions by a salary deduction either through a reduction in the cash salary of the employee or a combination of a reduction in salary and offset against a future salary increase."; in line 3 before "Each" insert "(1)"; in line 6 strike "seven" and insert "thirteen"; after line 10 insert a new subsection as follows:

"(2) Each such city shall contribute any additional amounts necessary to fund retirement or other retirement plan benefits not provided by employee contributions or city contributions to the employer account required by subsection (1) of this section. Such additional contributions shall be accumulated in an unallocated employer account of the Firefighters' Retirement System Fund and used to provide the excess

benefits, if any, specified in sections 8, 10, 11, and 12 of this act. All funds committed by the city to the funding of a firefighter pension system on the operative date of this act that are not transferred to the firefighters employee accounts shall be transferred to the unallocated employer account."; strike beginning with the second comma in line 22 through the comma in line 23; and in line 27 strike "or".

4. Insert a new section as follows:

"Sec. 7. At least once every five years, the retirement committee shall cause the liability of the Firefighters' Retirement System Fund to be evaluated by an actuary who is a member of the American Academy of Actuaries. Such actuary shall report to the retirement committee and the city as to the soundness and solvency of the fund in relation to projected plan liabilities and the amount of annual deposits by the city which would be sufficient to provide for such liabilities. For any city for which the most recent actuarial report shows that the assets of the unallocated employer account are sufficient to provide for the projected plan liabilities and that additional contributions to this account will not be required no further actuarial evaluation shall be required.".

5. On page 5, line 6, strike the period and insert a semicolon; after line 6 insert new subdivisions as follows:

"(c) At the death of any such retired firefighter, the same rate of pension, as is provided for in this section, shall be paid to the surviving spouse of such deceased firefighter during such time as the surviving spouse shall remain unmarried and, in case there be no surviving spouse, then the minor children, if any, of such deceased firefighter, shall be paid such pension during their minority to the age of eighteen years, except that as soon as a child of such deceased firefighter shall become eighteen years of age, such pension as to such child shall cease; or

(d) In the event a retired firefighter or his or her surviving beneficiaries die before the aggregate amount of pension payments received by the firefighter and his or her survivor beneficiaries, if any, equals the total amount in the employee's account, including interest, the difference between the total amount in the employee's account and the aggregate amount of pension

payments received by the retired firefighter and his or her surviving beneficiaries, if any, shall be paid in a single sum to the firefighter's duly qualified personal representative, except that if the difference is less than five hundred dollars, the city may pay the same to such claimant or claimants as the retirement committee, in its discretion, shall determine to be entitled to the funds."; in line 16 after the semicolon insert "or"; strike lines 17 through 23; in line 24 strike "(c)" and insert "(b)"; and in line 25 strike "11" and insert "12".

6. On page 6, line 1 strike "or (1)(b)"; and in line 4 strike "employee" and insert "employer".

7. On page 7, line 3, after the period insert:

"In the event the surviving spouse or minor children of such deceased firefighter dies before the aggregate amount of pension payments received by the firefighter and his or her survivor beneficiaries, if any, equals the total amount in the employee's account, including interest, the difference between the total amount in the employee's account and the aggregate amount of pension payments received by the retired firefighter and his or her surviving beneficiaries, if any, shall be paid in a single sum to the firefighter's duly qualified personal representative, except that if the difference is less than five hundred dollars, the city may pay the same to such claimant or claimants as the retirement committee, in its discretion, shall determine to be entitled to the funds."; in line 7 after the period insert "In the event that the pension benefit is payable, the retirement value of the firefighter's retirement account who died after the age of fifty shall be retained by the city."; and in line 27 strike "12" and insert "13", and after the period insert:

"In the event the surviving spouse or minor children of such deceased firefighter dies before the aggregate amount of pension payments received by the firefighter and his or her survivor beneficiaries, if any, equals the total amount in the employee's account, including interest, the difference between the total amount in the employee's account and the aggregate amount of pension payments received by the retired firefighter and his or her surviving beneficiaries, if any, shall be paid in a single sum to the firefighter's

duly qualified personal representative, except that if the difference is less than five hundred dollars, the city may pay the same to such claimant or claimants as the retirement committee, in its discretion, shall determine to be entitled to the funds.".

8. On page 8, line 5, after the period insert "In the event that the specified retirement pension is payable, the retirement value shall be retained by the city.".

9. On page 9, line 15, strike "at five per cent per annum"; and in line 17 after the last comma insert "at five per cent per annum,".

10. On page 10, line 2, strike the second "or" and insert a comma, and after "city" insert ", or retires"; in line 3 after "contributions" insert "without interest"; and strike beginning with "used" in line 26 through line 27 and insert "deposited in the unallocated employer account.".

11. On page 11, strike lines 1 through 4; in line 15 strike "14" and insert "15"; strike beginning with the second "of" in line 15 through "consist" in line 17; in line 18 after "the" insert "active paid"; in line 19 strike "from the fire department of the city" and insert "excluding firefighters identified in section 20 of this act"; and in line 23 after "city" insert ", active members of the fire department, and members of the general public".

12. On page 2, lines 1, 3, and 26; page 3, lines 7, 13, 14, and 23; page 4, line 5; page 6, line 9; page 7, line 10; page 9, lines 7 and 12; page 11, line 7; and page 13, lines 11 and 18 strike "18" and insert "19".

13. Insert new sections as follows:

"Sec. 20. (1) All cities of the first class having a paid fire department shall pension all firefighters of the paid fire department who are serving as such on August 7, 1965, and who did not elect coverage under the provisions of sections 35-204 to 35-215 as they existed prior to the operative date of this act, whenever such firefighters shall have first served in such fire department for the period of twenty-one years and shall elect to retire from active service and go upon the retired list.

(2) Such pension shall be paid by the city in the same manner as firefighters upon the active list are

paid. Such pension shall be at least fifty per cent of the amount of salary such retiring firefighter is receiving at the time he or she goes upon such pension list.

(3) Any such firefighter who retires on or after age fifty-five with less than twenty-one years of service shall receive a pension of at least fifty per cent of the salary he or she was receiving at the time of his or her retirement multiplied by the ratio of the years of service to twenty-one.

(4) At the death of any such retired firefighter, the same rate of pension, as is herein provided for, shall be paid to the surviving spouse of such deceased firefighter during such time as the surviving spouse shall remain unmarried and, in case there be no surviving spouse, then the minor children, if any, of such deceased firefighter, shall be paid such pension during their minority to the age of eighteen years, except that as soon as a child of such deceased firefighter shall become eighteen years of age, such pension as to such child shall cease.

(5) Firefighters subject to subsection (1) of this section shall be subject to sections 10, 11, 12, and 13 of this act but shall be exempt from sections 5, 6, 8, 9, and 14 of this act.

Sec. 21. After August 7, 1965, every firefighter subject to the provisions of sections 35-201 to 35-203 as they existed prior to the operative date of this act, shall contribute to the city an amount equal to five per cent of his or her salary until he or she shall be entitled to retire or otherwise become eligible for a pension. No such firefighter continuing in the employment of the city as a member of such department after becoming eligible to retire shall be required to make any further contribution. Any such firefighter whose employment shall terminate, whether by discharge or otherwise, prior to the time he or she shall become entitled to a pension, and who shall have made contributions from his or her salary as provided in this section shall, upon demand, be reimbursed by the city for the amount of such contributions plus interest at five per cent per annum.

Sec. 22. Nothing in this act shall in any manner affect the right of any person now receiving or entitled to receive, now or in the future, pension or

other benefits provided for in sections 35-201 to 35-216, as they exist immediately prior to the effective date of this act, to receive such pension or other benefits in all respects the same as if such sections remained in full force and effect.

Sec. 23. In the event that after four or more years of employment a firefighter terminates his or her employment for the purpose of becoming a firefighter employed by another first-class city in Nebraska, and such new employment commences within ninety days, such firefighter shall be entitled to transfer to the Firefighters' Retirement System Fund of the city by which he or she is newly employed, the full amount of his or her contribution and his or her vested portion of the city's contribution at the time of termination, together with regular interest accrued thereon. The transferred funds shall be administered by the retirement committee of the city to which transferred. For the purpose of applying the vesting schedule in section 14 of this act to contributions made following the commencement of new employement, such firefighter shall be deemed a new employee.".

Sec. 14. Renumber remaining sections accordingly.

(Signed) Steve Fowler, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 110
May 10, 1983

Dear Senator Haberman:

In your letter of May 6, 1983, you direct our attention to LB 626, the purpose of which would be to generally merge the Nebraska Mortgage Finance Fund, the Agricultural Development Corporation, and the Nebraska Development Finance Fund into one common Nebraska Investment Finance Authority. You then ask us to review the entirety of LB 626 and to inform you of any aspects of it which we consider to be unconstitutional.

Our review of this measure has been limited, first by the shortness of time left in this legislative session, and second by the fact that the bill itself is over fifty pages long with over ten pages of amendments. It appears from our review that essentially what is proposed is simply that the functions previously authorized under several separate enabling

acts be combined in one overall act.

Many of the possible questions we might have once raised about the overall constitutionality of these acts have been answered by the Nebraska Supreme Court in State ex rel. Douglas v. Mortgage Finance Fund, 204 Neb. 445, 283 N.W.2d 12 (1979). We therefore in a general sense, given the length of the bill and the time in which we have had to review it, and the holding of the Nebraska Supreme Court in the case cited above, see nothing about this effort to combine these functions which would be glaringly unconstitutional.

Perhaps if you could be more specific as to your constitutional concerns or to the provisions of the act about which you have questions, we could be more precise in our response. We generally believe, however, that the basic concept has been held constitutional by the Nebraska Supreme Court in State ex rel. Douglas v. Mortgage Finance Fund, supra.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:jmh
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Member Excused

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 273 to Select File

Mr. Wiitala moved to return LB 273 to Select File for his specific amendment, AM1357, found in the Journal on page 1913.

The Wiitala motion to return prevailed with 25 ayes, 3 nays, 16 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 273. The Wiitala specifc amendment, AM1357, found in the Journal on page 1913 was adopted with 27 ayes, 1 nay, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 273 to Select File

Mr. Hefner moved to return LB 273 to Select File for this specific amendment, AM1377, found in the Journal on page 1923.

Messrs. Goll and Barrett asked unanimous consent to be excused until they return. No objections. So ordered.

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. Hefner moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Hefner requested a roll call vote on his motion to return.

Voting in the affirmative, 14:

Carsten	Clark	Hannibal	Hefner	Jacobson
Johnson, L.	Kahle	Lamb	Lundy	Nichol
Peterson, H.	Peterson, R.	Remmers	Sieck	

Voting in the negative, 24:

Beyer	Chambers	Cullan	DeCamp	Fowler
Haberman	Higgins	Hoagland	Johnson, V.	Kilgarin
Labedz	Landis	Marsh	Pappas	Pirsch
Rupp	Schmit	Vickers	Von Minden	Wagner
Warner	Wesely	Wiitala	Withem	

Present and not voting, 6:

Beutler	Chronister	Eret	Fenger	Goodrich
Morehead				

Absent and not voting, 1:

Newell

Excused and not voting, 4:

Abboud	Barrett	Goll	Johnson, R.

The Hefner motion to return lost with 14 ayes, 24 nays, 6 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Sieck moved to return LB 273 to Select File for the following specific amendment:
AM1431

(Amendments to Final Reading Copy)

1. Insert a new section as follows:
"Sec. 6. The provisions of this act shall not apply to any employee of a nursing home who, on the effective date of this act, has been employed continuously for one year or more as a nurse's aide, care staff member, or orderly.".
2. Renumber remaining sections accordingly.

Mr. Chronister asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Higgins 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. Sieck moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Sieck requested a roll call vote on his motion to return.

Voting in the affirmative, 22:

Beutler	Beyer	Carsten	Clark	Eret
Fenger	Hefner	Jacobson	Johnson, L.	Johnson, R.
Kahle	Lamb	Lundy	Morehead	Nichol
Peterson, H.	Peterson, R.	Pirsch	Remmers	Sieck
Vickers	Von Minden			

Voting in the negative, 22:

Chambers	Cullan	DeCamp	Fowler	Haberman
Hannibal	Higgins	Hoagland	Johnson, V.	Kilgarin
Labedz	Landis	Marsh	Newell	Pappas
Rupp	Schmit	Wagner	Warner	Wesely
Wiitala	Withem			

Present and not voting, 3:

Barrett	Goll	Goodrich

Excused and not voting, 2:

Abboud Chronister

The Sieck motion to return lost with 22 ayes, 22 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

MOTION - Return LB 59 to Select File

Mr. Chambers moved to return LB 59 to Select File for the following specific amendment:

Strike Morehead - DeCamp Amendment; insert Morehead Amendment (p. 1799 of Journal).

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Chambers requested a roll call vote on his motion to return.

Voting in the affirmative, 11:

Beutler	Carsten	Chambers	Cullan	Higgins
Kilgarin	Lamb	Landis	Marsh	Vickers
Wesely				

Voting in the negative, 35:

Abboud	Barrett	Beyer	Clark	DeCamp
Eret	Fenger	Fowler	Goll	Goodrich
Hannibal	Hefner	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Labedz	Lundy
Morehead	Newell	Nichol	Pappas	Peterson, H.
Pirsch	Remmers	Rupp	Schmit	Sieck
Von Minden	Wagner	Warner	Wiitala	Withem

Present and not voting, 1:

Peterson, R.

Excused and not voting, 2:

Chronister Haberman

The Chambers motion to return lost with 11 ayes, 35 ayes, 1 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 bills were correctly re-engrossed: 154 and 219.

Correctly Engrossed

The following bill was correctly engrossed: 118.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 154
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0107

1. On page 5, line 12, "(ii)" has been inserted after "(b)".
2. On page 6, line 3, "(i)" has been inserted after "(b)".
3. In lieu of the Beutler amendment adopted 5/9, to page 5 of the bill, on page 5, line 21, "a" has been stricken; in line 22 "Class V misdemeanor" has been stricken and "an infraction pursuant to sections 29-431 to 29-438" has been inserted.

(Signed) Tristi J. Wilson
E & R Attorney

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 110, LR 111, LR 192, and LR 195.

MOTION - Return LB 371 to Select File

Mr. Schmit moved to return LB 371 to Select File for the following specific amendment:

Strike the Newell amendment. (AM1479)

Mr. Cullan asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schmit motion to return prevailed with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 371. The Schmit specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 371 to Select File

Mr. Newell moved to return LB 371 to Select File for the following specific amendment:

1. Insert the following new section:

"Sec. 2. In any proceeding when a court has ordered a parent to pay, temporarily or permanently, any amount to the clerk of the district court for the support of a minor child and in the same proceeding has ordered visitation with any minor child on behalf of such parent the court shall enforce its visitation orders as follows:

(1) Upon the filing of a motion which is accompanied by an affidavit stating that either parent has unreasonably withheld or interferred with the exercise of the court order after notice to the parent and hearing, the court shall enter such orders as are reasonably necessary to enforce rights of either parent including the modification of previous court orders relating to visitation. The court may use contempt powers to enforce its court orders relating to visitation. The court may require either parent to file a bond or otherwise give security to insure his or her compliance with court order provisions.

(2) Costs, including reasonable attorney's fees, may be taxed against a party found to be in contempt pursuant to this section.

Renumber the remaining sections and internal references accordingly.

The motion to return prevailed with 26 ayes, 0 nays, 20 present and not voitng, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 371. The Newell specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

ATTORNEY GENERAL'S OPINION

Opinion No. 111
May 11, 1983

Re: LB 198

Dear Senator Vickers:

We are writing to respond to your letter dated April 21, 1983, requesting our opinion on certain sections of LB 198. We will respond to the six questions in the order asked.

First, you inquire whether the fee authorized is in the nature of a severance tax, special assessment or a charge for services or commodity provides.

The differentiation between a tax and an assessment has been stated:

> While taxes for revenue . . . are the exactions placed upon the citizen for the support of the government, paid to the state as a state, the consideration of which is protection or public service by the state, special or local assessments . . . are imposed upon property within a limited area for the payment for a local improvement supposed to enhance the value of all property within that area.

70 Am.Jur.2d, Special or Local Assessments, §1 at 842-843.

The Supreme Court has recognized that "a tax is not an assessment of benefits. It is, as we have said, a means of distributing the burden of the cost of government." Carmichael v. Southern Coal & Coke Co., 301 U.S. 495, 521-523 (1937), as quoted in Commonwealth Edison Co. v. Montana, 453 U.S. 609, 622-623 (1981). In Commonwealth Edison Co., supra, the court recognized that a state's imposition of a severance tax on each ton of coal extracted in the state, the tax being levied at varying rates depending upon the value, may be characterized as a general tax. Id. at 624.

The distinction between fees for services or goods provided and

special assessments is not so easily made. Tolls and fees for goods or services provided are not taxes. 71 Am.Jur.2d, State and Local Taxation, §§10 through 18 at 350-354. Our Supreme Court in City of Ord v. Biemond, 175 Neb. 333, 122 N.W.2d 6, 10 (1963), held that the use charge or rental fee that is imposed for use by commercial aerial sprayer of the city airport is not a tax but a fee for use of the city facilities.

It is our conclusion that the fee authorized by Section 12 of LB 198 is neither a severance tax nor a special assessment, but a charge for the service of providing the water storage for the landowner.

You next inquire whether there is any constitutional difficulty because landowners may be charged a fee for the incidental underground water storage even though they are outside of the boundaries of the irrigation district or do not have a contract with the district for delivery of water. The Due Process Clause of the United States Constitution "mandate that some kind of hearing is required sometime before a state finally deprives a person of his property interests. The fundamental requirement of due process is the opportunity to be heard and it is an 'opportunity which must be granted at a meaningful time and in a meaningful manner.' Armstrong v. Manzo, 380 U.S. 545, 552 (1965)." Parratt v. Taylor, 451 U.S. 527, 540 (1981).

LB 198, Section 15, provides that the levying of such fees shall be in accordance with the rules of the Department of Water Resources adopted pursuant to Neb.Rev.Stat. §46-209 (Reissue 1978). That statute and the rules adopted pursuant thereto provide for hearings before the Director of Water Resources concerning contested applications. Orders of the Director of Water Resources are appealable to the Nebraska Supreme Court directly pursuant to Neb.Rev.Stat. §46-210 (Reissue 1978). We are satisfied that a landowner subject to charge for incidental ground water storage has a meaningful opportunity to be heard prior to imposition of such a charge in conformity with due process of law.

Third, you ask whether the procedures for recognition of incidental underground storage are adequate to define the scope of the storage in terms of the specific acres covered and whether those potentially subject to the fee have an adequate opportunity to challenge designation of the area. The requirements of due process of law are set out in answer to the previous question. We note no violation in either respect.

Lastly, you inquire whether there are any constitutional problems with charging the same fee of 50 cents to a landowner benefiting by the incidental storage of ground water irrespective of the amount of benefit. There is no doubt that the Legislature may create certain classifications, treating them differently as long as the discrimination is founded upon a reasonable distinction or difference in state policy. State v. Sprague, 213 Neb. 581, 591, _____ N.W.2d _____ (1983). Our

Supreme Court in County of Antelope v. Stenberg, 214 Neb. 150, 151-152, ____ N.W.2d ____ (1983), has recognized:

> The standard by which the classification is to be measured against a claim of a violation of the U.S. Constitution was set forth in Dandridge v. Williams, 397 U.S. 471, 485, 90 S.Ct. 1153, 25 L.Ed.2d 491 (1970): "In the area of economics and social welfare, a State does not 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." Lindsley v. Natural Carbonic Gas Company, 220 U.S. 61, 78. "The problems of government are practical ones and may justify, if they do not require, rough accomodations—illogical, it may be, and unscientific." Metropolis Theatre Co. v. City of Chicago, 228 U.S. 61, 69-70.

It is our conclusion that LB 198 does not violate the Equal Protection Clause of the United States Constitution by failing to subdivide the classification which it has created.

In conclusion, in answer to the questions you have asked, we perceive no constitutional problems.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) G. Roderic Anderson
Assistant Attorney General

GRA:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature
2108 State Capitol
Lincoln, NE 68509

UNANIMOUS CONSENT - Print in Journal

Messrs. Landis, Vickers, L. Johnson, and Mrs. Morehead asked unanimous consent to print the following amendment to LB 370 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - AM1464.)

Mr. Warner asked unanimous consent to print the following amendment to LB 615 in the Journal. No objections. So ordered.

1. In the Standing Committee amendments to LB 615 (AM1260),

on page 3, in line 4, strike "76,754,610" and insert "76,800,208"; in line 5, strike "17,405,420" and insert "17,592,361"; in line 6, strike "151,473,728" and insert "152,746,548"; in line 7, strike "245,633,758" and insert "247,139,117"; in line 12, strike "76,754,610" and insert "76,800,208"; in line 13, strike "17,405,420" and insert "17,592,361"; and in line 14, strike "151,473,728" and insert "152,746,548".

2. In the Standing Committee amendments to LB 615 (AM1260), on page 5, in line 13, strike "42,103,386" and insert "42,148,984"; in line 14, strike "17,294,997" and insert "17,481,938"; in line 15, strike "92,328,574" and insert "93,601,394"; and in line 16, strike "151,726,957" and insert "153,232,316".

3. In the Standing Committee amendments to LB 615 (AM1260), on page 7, in line 10, strike "93,364,469" and insert "93,410,067"; in line 11, strike "17,534,552" and insert "17,721,493"; in line 12, strike "176,285,403" and insert "177,558,223"; and in line 13, strike "287,184,424" and insert "288,689,783".

SELECT FILE

LEGISLATIVE BILL 408. E & R amendments, AM5130, found in the Journal on page 1755 for the Seventy-First Day were adopted.

Mr. Wesely renewed his pending amendment, AM1305, found in the Journal on page 1828.

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 239. E & R amendments, AM5132, found in the Journal on page 1766 for the Seventy-Second Day were adopted.

Mr. DeCamp renewed his pending amendment, AM1364, found in the Journal on page 1937.

The amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Newell renewed his pending amendment, AM1189, printed separate from the Journal and referred to on page 1701.

Pending.

VISITORS

Visitors to the Chamber were 60 students and teacher from Fort Calhoun; and 22 students and teacher from Lourdes School, Nebraska City.

ADJOURNMENT

At 4:02 p.m., on a motion by Mr. Lundy, the Legislature adjourned until 8:00 a.m., Thursday, May 12, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-SECOND DAY - MAY 12, 1983

LEGISLATIVE JOURNAL

EIGHTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 12, 1983

Pursuant to adjournment, the Legislature met at 8:03 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Senator Labedz.

ROLL CALL

The roll was called and all members were present except Messrs. Haberman, Hannibal, Hoagland, Mesdames Marsh, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2193, line 10, strike "562A" and insert "526A".
The Journal for the Eighty-First Day was approved as corrected.

RESOLUTION

LEGISLATIVE RESOLUTION 196. Read. Considered.

LR 196 was adopted 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 198.

A BILL FOR AN ACT relating to water resources; to amend sections 46-233, 46-240, 46-241, and 46-242, Reissue Revised Statutes of Nebraska, 1943, and sections 33-105, 46-202, and 46-544, Revised Statutes Supplement, 1982; to state intent; to define terms; to prescribe

fees; to provide for permits and modification of permits for incidental and intentional underground water storage; to change provisions relating to permits; to authorize the levying and collection of fees and assessments; to authorize the use of injunctions; to provide duties; 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, 42:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Fenger	Fowler
Goll	Goodrich	Haberman	Hannibal	Hefner
Higgins	Jacobson	Johnson, L.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Remmers	Rupp	Schmit
Sieck	Von Minden	Wagner	Warner	Wesely
Wiitala	Withem			

Voting in the negative, 4:

Chambers	Cullan	Johnson, R.	Vickers

Present and not voting, 1:

Eret

Excused and not voting, 2:

Hoagland Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 363 to Select File

Mrs. Labedz moved to return LB 363 to Select File for her pending specific amendment, AM1459, found in the Journal on page 2149.

Mr. Sieck 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 Labedz motion to return lost with 17 ayes, 30 nays, 1 present and not voting, and 1 excused and not voting.

Mr. Fenger moved to return LB 363 to Select File for the following specific amendment:

Reinstate the striken language on page 13 from line 23 to line 12 on page 15.

Mr. Chambers raised a point of order on whether the bill is properly before us, pursuant to Rule 6 Section 7.

The Chair overruled the point of order.

Mr. Wesely 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. Fenger requested a record vote on his motion to return.

Voting in the affirmative, 22:

Abboud	Barrett	Beyer	Chambers	Chronister
Clark	Eret	Fenger	Goll	Goodrich
Hannibal	Higgins	Jacobson	Johnson, L.	Kahle
Labedz	Lamb	Lundy	Peterson, H.	Peterson, R.
Pirsch	Remmers			

Voting in the negative, 26:

Beutler	Carsten	Cullan	DeCamp	Fowler
Haberman	Hefner	Hoagland	Johnson, R.	Johnson, V.
Kilgarin	Landis	Marsh	Morehead	Newell
Nichol	Pappas	Rupp	Schmit	Sieck
Vickers	Wagner	Warner	Wesely	Wiitala
Withem				

Present and not voting, 1:

Von Minden

The Fenger motion to return lost with 22 ayes, 26 nays, and 1 present and not voting.

MOTION - Recommit LB 363 to E & R

Mr. Chambers moved to recommit LB 363 to E & R to correct an error

and for re-engrossment:
Strike my name as co-introducer. (P. 2131 of Journal)

Mr. Sieck moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

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

Voting in the affirmative, 16:

Abboud	Barrett	Beutler	Beyer	Chambers
Clark	Cullan	Eret	Fenger	Goll
Hannibal	Jacobson	Johnson, L.	Lamb	Peterson, R.
Remmers				

Voting in the negative, 30:

Carsten	Chronister	DeCamp	Fowler	Goodrich
Haberman	Hefner	Hoagland	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Landis	Lundy	Morehead
Newell	Nichol	Pappas	Peterson, H.	Pirsch
Rupp	Schmit	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Wiitala	Withem

Present and not voting, 3:

Higgins	Labedz	Marsh

The Chambers motion lost with 16 ayes, 30 nays, and 3 present and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 363.

A BILL FOR AN ACT to amend section 77-2769, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2704, 77-2715, and 77-2715.01, Revised Statutes Supplement, 1982, relating to revenue and taxation; to eliminate the sales tax on certain food; to eliminate the food sales tax credit; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law

relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Beutler	Carsten	Chronister	Cullan	DeCamp
Eret	Fowler	Goodrich	Haberman	Hefner
Higgins	Hoagland	Johnson, R.	Johnson, V.	Kilgarin
Landis	Marsh	Morehead	Newell	Nichol
Pappas	Pirsch	Rupp	Schmit	Sieck
Vickers	Wagner	Wesely	Wiitala	Withem

Voting in the negative, 18:

Abboud	Barrett	Beyer	Clark	Fenger
Goll	Hannibal	Jacobson	Johnson, L.	Kahle
Labedz	Lamb	Lundy	Peterson, H.	Peterson, R.
Remmers	Von Minden	Warner		

Present and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Wesely asked unanimous consent to have his name added as co-introducer to LB 408. No objections. So ordered.

EXPLANATION OF VOTE

Had I been present, I would have voted aye on LB 198.

(Signed) Peter Hoagland

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 124 in the Journal. No objections. So ordered.

AM1337

1. On page 3, line 11, after the period insert "Any partnership, subchapter S corporation, or fiduciary which installed a functional renewable energy

source system after January 1, 1982, and prior to the effective date of this act shall be eligible for the credit authorized pursuant to this section.".

2. In the Standing Committee amendments, AM0291:

(a) On page 3, line 5, after "equivalent" insert "to the Nebraska Building Energy Conservation Standard";

(b) On page 15, line 17, strike "approved" and show as stricken; in line 21 after "build" insert "or cause to be built"; and strike beginning with "or" in line 22 through "village" in line 24 and show the old matter as stricken; and

(c) On page 16, strike beginning with "or" in line 3 through "village" in line 5 and show the old matter as stricken; and in line 7 after "build" insert "or cause to be built".

Mr. Wesely asked unanimous consent to print the following amendment to LB 228 in the Journal. No objections. So ordered.

AM1476
(Amendments to Standing Committee amendments, AM1140)

1. On page 2, line 20, after "is" insert "less than"; in lines 20 and 21 strike "or fewer"; in lines 23 and 24 strike "more than"; and in line 24 after "ten" insert "or more".

SPEAKER NICHOL PRESIDING

UNANIMOUS CONSENT - Withdraw Amendment to LB 628

Mr. Cullan asked unanimous consent to withdraw his pending amendment, AM1279, found in the Journal on page 1886 to LB 628. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 628. With Emergency.

A BILL FOR AN ACT relating to funds; to make appropriations for the expense of certain agencies of state government for the period of July 1, 1983, to June 30, 1984; to recite limitations on expenditures; to

provide for certain transfers; to repeal section 27, LB 602, Eighty-eighth Legislature, First Session, 1983; 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, 34:

Barrett	Beutler	Carsten	Chronister	DeCamp
Fowler	Goll	Goodrich	Haberman	Hefner
Higgins	Hoagland	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Rupp	Schmit	Sieck	Vickers	Wagner
Warner	Wesely	Wiitala	Withem	

Voting in the negative, 14:

Abboud	Beyer	Chambers	Clark	Cullan
Eret	Fenger	Hannibal	Jacobson	Lamb
Peterson, R.	Pirsch	Remmers	Von Minden	

Present and not voting, 1:

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.

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 11, 1983. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Alexander, Hugh - Lincoln, (withdrawn 5-1-83), Nelson & Harding
Buechler, Gerald B., Jr. - Lincoln, (withdrawn 5-1-83), Nelson & Harding

Derr, J. Russell - Lincoln, (withdrawn 5-5-83), Nebraska Republican Party
Parker, David R. - Lincoln, (withdrawn 5-11-83), Donnelley Marketing Data Processing Operations
Ryan, James E. - Lincoln, Newco Investments, Inc.
Shultz, Jack L. - Lincoln, (withdrawn 5-1-83), Nelson & Harding

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 32, 215, 327, 451, and 619.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 451

The following changes, required to be reported for publication in the Journal, have been made:
ER0108
1. Because of the Lamb amendment adopted on May 10, in the Standing Committee amendments on page 1, line 22, "time" has been stricken and "times" inserted.
2. In the Lamb amendment adopted on May 10, underscoring has been supplied where needed.

(Signed) Tristi J. Wilson
E & R Attorney

MOTION - Suspend Rules

Speaker Nichol moved to suspend the rules, Rule 6, Section 7(b) to permit consideration of LB's 234, 234A, 469, 607, 608, 617, and 630 on final reading.

The motion prevailed with 33 ayes, 0 nays, and 16 present and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 630. With Emergency.

A BILL FOR AN ACT to make appropriations for capital construction projects and acknowledge and reaffirm appropriations previously made; to amend Laws 1982, LB 761, sections 117, 122, and 123, and Laws 1982, Second Special Session, LB 1, sections 62, 64, 65, 67, 73, and 74; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Barrett	Beutler	Beyer	Carsten	Chambers
Chronister	DeCamp	Eret	Fenger	Fowler
Goll	Goodrich	Haberman	Hannibal	Hefner
Higgins	Hoagland	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Remmers	Rupp
Schmit	Sieck	Von Minden	Wagner	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 5:

Abboud	Clark	Cullan	Pirsch	Vickers

Present and not voting, 1:

Jacobson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 178. With Emergency.

A BILL FOR AN ACT to amend section 9-408, Uniform Commercial Code, relating to secured transactions; to change provisions relating to the size of filed instruments; 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:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 0.

Present and not voting, 1:

Beutler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 178A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 178, Eighty-eighth Legislature, First Session, 1983; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Abboud	Barrett	Beyer	Chambers	Chronister
Clark	Cullan	DeCamp	Eret	Fenger
Fowler	Goll	Goodrich	Haberman	Hannibal
Hefner	Hoagland	Jacobson	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Wiitala	Withem

Voting in the negative, 0.

Present and not voting, 4:

Beutler Carsten Higgins Johnson, L.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 62.

A BILL FOR AN ACT relating to education; to provide legislative findings; to provide a foreign language assistance program; to create a fund; to provide duties for the State Department of Education; and to provide for termination of this act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Beyer	Chambers	Chronister	Cullan	DeCamp
Eret	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Hoagland	Johnson, R.	Johnson, V.
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	Morehead	Newell	Peterson, H.	Rupp
Schmit	Sieck	Vickers	Wagner	Wesely
Wiitala	Withem			

Voting in the negative, 14:

Abboud	Barrett	Beutler	Carsten	Clark
Fenger	Jacobson	Nichol	Pappas	Peterson, R.
Pirsch	Remmers	Von Minden	Warner	

Present and not voting, 3:

Higgins Johnson, L. Kahle

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 62A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 62, Eighty-eighth Legislature, First Session, 1983.

Whereupon the 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:

Beyer	Chambers	Chronister	Cullan	DeCamp
Eret	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Hoagland	Johnson, R.	Johnson, V.
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	Newell	Peterson, H.	Rupp	Schmit
Sieck	Vickers	Wagner	Wesely	Wiitala
Withem				

Voting in the negative, 14:

Abboud	Barrett	Beutler	Carsten	Clark
Fenger	Jacobson	Nichol	Pappas	Peterson, R.
Pirsch	Remmers	Von Minden	Warner	

Present and not voting, 4:

Higgins	Johnson, L.	Kahle	Morehead

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 439.

A BILL FOR AN ACT to amend section 71-5612, Reissue Revised Statutes of Nebraska, 1943, relating to rural health manpower; to change commission and service termination dates 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:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Haberman	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Landis
Lundy	Marsh	Morehead	Newell	Nichol

Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Wiitala	Withem

Voting in the negative, 0.

Present and not voting, 4:

Beutler	Goodrich	Johnson, L.	Lamb

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 439A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 439, Eighty-eighth Legislature, First Session, 1983.

Whereupon the 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:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Hoagland	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Marsh	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Remmers	Rupp
Schmit	Sieck	Vickers	Von Minden	Wagner
Wesely	Wiitala	Withem		

Voting in the negative, 1:

Pirsch

Present and not voting, 5:

Beutler	Higgins	Jacobson	Morehead	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 235.

A BILL FOR AN ACT to adopt the Nebraska Nursing Home Act; to provide for the regulation of nursing homes; to state intent; to harmonize provisions; to provide for penalties; to amend sections 71-2017, 71-2028, and 71-2040, Reissue Revised Statutes of Nebraska, 1943, and section 71-2024, Revised Statutes Supplement, 1982; to provide an operative date; to provide for severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Barrett	Beutler	Beyer	Chambers	Chronister
Cullan	DeCamp	Eret	Fenger	Fowler
Goll	Goodrich	Haberman	Hannibal	Higgins
Hoagland	Jacobson	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Landis	Lundy	Marsh
Morehead	Newell	Pappas	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Wiitala	Withem

Voting in the negative, 7:

Abboud	Carsten	Hefner	Johnson, L.	Lamb
Nichol	Peterson, H.			

Present and not voting, 2:

Clark	Peterson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 235A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 235, Eighty-eighth Legislature, First Session, 1983.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Barrett	Beutler	Beyer	Chambers	Chronister
Cullan	DeCamp	Fenger	Fowler	Goll
Goodrich	Haberman	Hannibal	Higgins	Hoagland
Jacobson	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Landis	Lundy	Marsh	Newell
Pappas	Remmers	Rupp	Schmit	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala	Withem			

Voting in the negative, 7:

Abboud	Carsten	Hefner	Johnson, L.	Lamb
Nichol	Peterson, H.			

Present and not voting, 5:

Clark	Eret	Morehead	Peterson, R.	Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 198, 363, 628, 630, 178, 178A, 62, 62A, 439, 439A, 235, and 235A.

VISITORS

Visitors to the Chamber were 28 fourth and fifth grade students and teacher from St. John's Lutheran School, Seward; 58 fourth grade students and teachers from Parkview School, Omaha; 39 students and teachers from Emerson Hubbard School, Emerson, including 3 foreign exchange students from Brazil and Denmark; 51 fourth grade students and teachers from Hillside School District 66, Omaha; 32 students and teacher from Abbie Public; 30 fourth grade students and teacher from Raymond Central; 25 fourth grade students, teacher, and parents from Clay Center; 41 fourth and fifth grade students and sponsors from Oak Valley, Omaha; Cedric Murrell from Barbados; Ram Prakash Mishra from India; Sjafrul Roeslan from Indonesia; Joe S. Mason from Liberia; Kandeh D. Yillah from Sierra Leone; S. V. Lucas Fernando and A. W. Atukorala from Sri Lanka; Fadlalla Ahmed Mohamed and Ali Abdulla Shawish from Sudan; and Lawrence J. Healy.

RECESS

At 12:10 p.m., on a motion by Mr. Von Minden, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Mr. Clark who was excused; and Mesdames Labedz and Marsh who were excused until they arrive.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 302.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-312, 66-434, 66-466, 66-601, 66-602, 66-606, 66-606.01, 66-619, and 66-624, Reissue Revised Statutes of Nebraska, 1943, section 60-302, Revised Statutes Supplement, 1982, and section 60-301, Revised Statutes Supplement, 1982, as amended by section 1, Legislative Bill 72, Eighty-eighth Legislature, First Session, 1983; to modify provisions relating to registration of vehicles; to modify provisions relating to motor vehicle and special fuels; to define and redefine terms; to require permits as prescribed; to provide fees; to provide duties; to provide penalties; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Cullan	DeCamp	Fenger	Fowler
Goll	Goodrich	Haberman	Hannibal	Hefner
Higgins	Hoagland	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Lamb	Landis	Lundy
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit

Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 1:

Eret

Present and not voting, 2:

Beutler Jacobson

Excused and not voting, 3:

Clark Labedz Marsh

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-eighth Legislature, First Session, 1983.

Whereupon the 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:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Cullan	Fenger	Fowler	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Lamb	Landis	Lundy	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Vickers	Wagner	Warner	Wesely	Wiitala
Withem				

Voting in the negative, 0.

Present and not voting, 5:

Beutler	DeCamp	Eret	Goll	Von Minden

Excused and not voting, 3:

Clark Labedz Marsh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 35.

A BILL FOR AN ACT relating to flood plain management; to provide intent; to define terms; to provide procedures, duties, and authorities for the Nebraska Natural Resources Commission and the Department of Water Resources; and to repeal sections 2-1506.01 to 2-1506.10 and 2-1506.12 to 2-1506.27, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Lamb
Landis	Lundy	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Wiitala	Withem

Voting in the negative, 0.

Present and not voting, 1:

Jacobson

Excused and not voting, 3:

Clark Labedz Marsh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 35A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 35, Eighty-eighth Legislature, First Session, 1983.

Whereupon the 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Lamb	Landis	Lundy	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Wiitala
Withem				

Voting in the negative, 0.

Excused and not voting, 3:

Clark	Labedz	Marsh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT MCGINLEY PRESIDING

LEGISLATIVE BILL 213. With Emergency.

A BILL FOR AN ACT relating to liquor; to amend sections 53-124, 53-124.02, 53-124.04, 53-124.05, 53-124.07, 53-134, 53-135, and 53-138.03, Reissue Revised Statutes of Nebraska, 1943, and sections 2-219, 53-103, 53-124.03, 53-125, 53-129, 53-131, 53-133, 53-135.01, 53-164.01, 53-179, and 53-1,116, Revised Statutes Supplement, 1982; to change provisions relating to the sale of liquors; to modify provisions relating to bottle clubs, nonprofit corporations, issuance and renewal of licenses, and permissible hours of operation; to provide for disposition of fees; to change time limits; to eliminate a maximum

amount for a bond; to define terms; to repeal the original sections, and also sections 53-124.08, 53-194.01, and 53-194.02, Reissue Revised Statutes of Nebraska, 1943, and section 53-124.10, Revised Statutes Supplement, 1982; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Barrett	Beutler	Beyer	Carsten	Chronister
DeCamp	Fenger	Fowler	Goll	Goodrich
Haberman	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Lamb
Landis	Lundy	Marsh	Morehead	Newell
Nichol	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Wiitala	Withem

Voting in the negative, 5:

Abboud	Chambers	Cullan	Hannibal	Kilgarin

Present and not voting, 1:

Eret

Excused and not voting, 3:

Clark	Labedz	Pappas

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 213A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 213, Eighty-eighth Legislature, First Session, 1983.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Barrett	Beutler	Beyer	Carsten	Chronister
DeCamp	Fenger	Fowler	Goll	Goodrich
Haberman	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Wiitala
Withem				

Voting in the negative, 5:

Abboud	Chambers	Cullan	Eret	Hannibal

Excused and not voting, 3:

Clark	Labedz	Pappas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 200. With Emergency.

A BILL FOR AN ACT to ratify and approve the Central Interstate Low-Level Radioactive Waste Compact; to assign 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Cullan	DeCamp	Eret	Fenger
Fowler	Goll	Haberman	Hannibal	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Wiitala	Withem	

Voting in the negative, 0.

Present and not voting, 2:

Chambers Goodrich

Excused and not voting, 3:

Clark Labedz Pappas

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 200A. With Emergency.

A BILL FOR ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 200, Eighty-eighth Legislature, First Session, 1983; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Cullan	DeCamp	Fenger	Fowler
Goll	Haberman	Hannibal	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Lamb	Landis	Marsh
Morehead	Newell	Nichol	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala	Withem			

Voting in the negative, 0.

Present and not voting, 4:

Chambers Eret Goodrich Lundy

Excused and not voting, 3:

Clark Labedz Pappas

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 197.

Introduced by Carsten, 2nd District; Lundy, 36th District; Fenger, 45th District; H. Peterson, 35th District; Goodrich, 20th District; Hefner, 19th District; Chronister, 18th District; Beyer, 3rd District; R. Johnson, 34th District; Clark, 47th District; Schmit, 23rd District; Pappas, 42nd District; Nichol, 48th District; Kahle, 37th District; DeCamp, 40th District; Lamb, 43rd District; Vickers, 38th District; Wagner, 41st District; R. Peterson, 21st District; Jacobson, 33rd District; L. Johnson, 15th District; Von Minden, 17th District; Barrett, 39th District; Sieck, 24th District; Eret, 32nd District; Goll, 16th District; Haberman, 44th District; Remmers, 1st District.

WHEREAS, the U.S. Department of Interior in 1978 designated a 50-mile reach of the Platte River in central Nebraska as a "critical habitat area" for the endangered whooping crane; and

WHEREAS, this action followed a rejection by Nebraska and federal entities of proposed national wildlife refuge designation for the same area; and

WHEREAS, the critical habitat designation was made on the basis that the Platte River was crucial to the future survival of the whooping crane; and

WHEREAS, the designation of the Platte River as a critical habitat area for the whooping crane threatened any future water resources development or beneficial use of the Platte River and its water for agriculture and other human necessities; and

WHEREAS, the critical habitat area is by definition an area which if lost would appreciably decrease the likelihood of the survival and recovery of an endangered species (Federal Register rulemaking notice, May 15, 1978, U.S. Fish and Wildlife Service, 4310-55); and

WHEREAS, no scientific evidence has been put forward to establish that the Platte River and maintenance of its environment as it is today is necessary for the survival of the whooping crane, and evidence does exist to the contrary; and

WHEREAS, the endangered whooping crane that has a small known population is a close relative of the highly abundant Sand Hill crane; and

WHEREAS, the earliest known records of cranes include a fossil find of the Sand Hill crane in northeast Nebraska that is known to have lived 9 million years ago; and

WHEREAS, the earliest records of the U.S. Fish and Wildlife Service on the migration patterns of the whooping crane indicate that it

existed and migrated across a vast breadth of the United States from Illinois to the west coast; and

WHEREAS, whooping crane fossils have been found in the Pleistocene formation which dates from 10,000 to 2 million years ago, in the States of California, Idaho, Michigan, Virginia, Florida, and Arizona; and

WHEREAS, whooping crane fossils in a 1977 Kansas find dated back 25,000 to 30,000 years ago; and

WHEREAS, the last ice age across Nebraska and the Plains States, was the Wisconsinan period from about 70,000 to 100,000 years ago, and the present breeding areas of the whooping crane were under the Continental ice sheet of that period; and

WHEREAS, the geologic records indicate the adaptability of the whooping crane to climatic changes for migration and breeding purposes, and as such a single area such as the Platte River could not and should not be considered crucial or vital to the survival of the species; and

WHEREAS, the Platte River as it is today is a very young river, and it and the Great Bend area of the Platte did not exist before 25,000 years ago; and

WHEREAS, in the last 50 years (1933 through 1982) there have been only seven confirmed sightings of whooping cranes anywhere in the designated critical habitat reach of the Platte River, and only five of those seven sightings were actually on the Platte River; and

WHEREAS, one of those seven sightings involved five whooping cranes that were physically hazed off a lagoon infected with fowl cholera 13 miles from the Platte River, to the Platte River; and

WHEREAS, the U.S. Fish and Wildlife Service report authored by Curt Johnson and Stan Temple states "We have no evidence that whooping cranes converge on the Platte River during both migrations...," and further, "that the Platte River between Gothenburg and 10 miles east of Grand Island may have had many sightings in years past, but have been altered to the extent that they are either marginal or unsuitable for roosting;" and

WHEREAS, proposed designations by the U.S. Fish and Wildlife Service in August, 1978, of critical habitat areas for the whooping crane included man-made dams and reservoirs, among them: Kirwin Reservoir in Kansas, Medicine Lake in Montana, Oahe Dam in South Dakota and Oahe Reservoir in South Dakota and North Dakota, and Garrison Dam and Lake Sakakawea in North Dakota; and

WHEREAS, the Fish and Wildlife Service proposal indicates that man-made reservoirs in irrigation and other multiple purpose water projects can and do provide desirable habitat for the whooping crane; and

WHEREAS, conclusive evidence should either be established for

the need of the Platte River as crucial to the survival and preservation of the whooping crane, or critical habitat designation of the Platte River should be removed;

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

1. That the U.S. Department of Interior is urged to reevaluate the reasons for designation of a portion of the Platte River in Nebraska as a critical habitat area for the whooping crane; and

2. That the Interior Department is urged to evaluate the evidence presented in this resolution, and any and all other scientific evidence relative to the designation and maintenance of an area of the Platte River in Nebraska for critical habitat for the whooping crane; and

3. That if there is conclusive evidence to establish scientifically the absolute need for critical habitat designation of the Platte River to ensure the survivability of the whooping crane, such evidence and conclusions should be put forward for public information, understanding, and scrutiny; and

4. That if there is no conclusive evidence to prove the necessity of a critical habitat area designation in the Platte River for the future survivability of the whooping crane, the Department of Interior is urged to remove such designation.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 12, 1983, at 2:30 p.m., were the following bills: 198, 363, 628, 630, 178, 178A, 62, 62A, 439, 439A, 235, and 235A.

(Signed) Jan Loder, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 395 in the Journal. No objections. So ordered.

On page 25, line 12 following the word farming. Strike ";" and insert:
and processing, manufacturing, and refining of agricultural chemicals to be applied to land or crops the products of which are to be used as food for human consumption or feed for any form of animal life or sold in the regular course of business.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 204.

A BILL FOR AN ACT to amend section 39-669.26, Reissue Revised Statutes of Nebraska, 1943, relating to traffic violations; to change penalties as prescribed; to provide for a point assessment reduction upon completion of a driver improvement course; and to repeal the original section.

Whereupon the 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Wiitala
Withem				

Voting in the negative, 0.

Excused and not voting, 3:

Clark	Labedz	Pappas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 204A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 204, Eighty-eighth Legislature, First Session, 1983.

Whereupon the 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Remmers	Rupp	Schmit	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala	Withem			

Voting in the negative, 0.

Present and not voting, 1:

Pirsch

Excused and not voting, 1:

Clark

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 571.

A BILL FOR AN ACT relating to taxation; to amend section 77-2703, Reissue Revised Statutes of Nebraska, 1943, and section 77-2708, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 2, Eighty-seventh Legislature, Second Special Session, 1982, and section 1, Legislative Bill 101, Eighty-eighth Legislature, First Session, 1983; to change the rate of reimbursement for collection of certain taxes; 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	Chambers	Cullan	DeCamp	Eret
Fowler	Goodrich	Hannibal	Higgins	Hoagland

Johnson, R.	Johnson, V.	Kilgarin	Labedz	Landis
Lundy	Marsh	Morehead	Newell	Pappas
Rupp	Schmit	Sieck	Vickers	Wagner
Warner	Wesely	Wiitala	Withem	

Voting in the negative, 19:

Abboud	Barrett	Beyer	Carsten	Chronister
Fenger	Goll	Haberman	Hefner	Jacobson
Johnson, L.	Kahle	Lamb	Nichol	Peterson, H.
Peterson, R.	Pirsch	Remmers	Von Minden	

Excused and not voting, 1:

Clark

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 571A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 571, Eighty-eighth Legislature, First Session, 1983.

Whereupon the 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	Carsten	Chambers	Cullan	DeCamp
Eret	Fowler	Goodrich	Hannibal	Higgins
Hoagland	Johnson, R.	Johnson, V.	Kilgarin	Labedz
Landis	Lundy	Marsh	Morehead	Newell
Pappas	Rupp	Schmit	Sieck	Vickers
Wagner	Warner	Wesely	Wiitala	Withem

Voting in the negative, 18:

Abboud	Barrett	Beyer	Chronister	Fenger
Goll	Haberman	Hefner	Jacobson	Johnson, L.
Kahle	Lamb	Nichol	Peterson, H.	Peterson, R.
Pirsch	Remmers	Von Minden		

Excused and not voting, 1:

Clark

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER NICHOL PRESIDING

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 234.

A BILL FOR AN ACT to amend sections 60-106, 60-1401.02, 60-1403.01, and 60-1417.01, Reissue Revised Statutes of Nebraska, 1943, and sections 60-115, 60-302, and 60-315, Revised Statutes Supplement, 1982, relating to motor vehicles; to change provisions relating to registration and certificates of title; to provide fees; to provide for inspections; to provide procedures for the training and certification of inspectors; to create a fund; to provide and modify duties and powers; to change fees; to define terms; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Barrett	Beyer	Carsten	Chronister
Cullan	DeCamp	Eret	Fenger	Fowler
Goll	Goodrich	Haberman	Hannibal	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Sieck	Vickers	Von Minden	Wagner
Warner	Wiitala	Withem		

Voting in the negative, 0.

Present and not voting, 4:

Beutler	Chambers	Labedz	Wesely

Excused and not voting, 2:

Clark Pappas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 234A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 234, Eighty-eighth Legislature, First Session, 1983.

Whereupon the 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:

Abboud	Barrett	Beyer	Carsten	Chronister
Cullan	DeCamp	Eret	Fenger	Fowler
Goll	Goodrich	Haberman	Hannibal	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Wiitala	Withem	

Voting in the negative, 0.

Present and not voting, 3:

Beutler Chambers Labedz

Excused and not voting, 2:

Clark Pappas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 302, 302A, 35, 35A, 213, 213A, 200, 200A, 204, 204A, 571, and 571A.

UNANIMOUS CONSENT - Withdraw Motion on LB 469

Messrs. DeCamp and Haberman asked unanimous consent to withdraw their pending motion found in the Journal on page 1809 that LB 469 be recommitted to the Appropriations Committee pursuant to Rule 8(b) for purposes of a public hearing. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 469. With Emergency.

A BILL FOR AN ACT relating to funds; to amend sections 8-1120, 44-116, 79-1346, 81-8,129.01, and 81-1010, Reissue Revised Statutes of Nebraska, 1943, and sections 60-2116 and 77-2602, Revised Statutes Supplement, 1982; to authorize certain transfers as prescribed; to change provisions relating to the use of certain funds; 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Cullan	DeCamp	Eret
Fenger	Goll	Goodrich	Haberman	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Lamb
Landis	Lundy	Marsh	Morehead	Newell
Nichol	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Wiitala	Withem

Voting in the negative, 0.

Present and not voting, 2:

Fowler Labedz

Excused and not voting, 2:

Clark Pappas

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 607. With Emergency.

A BILL FOR AN ACT relating to funds; to amend section 81-1108.17, Reissue Revised Statutes of Nebraska, 1943, and sections 23-362, 57-705, 84-609, and 84-611, Revised Statutes Supplement, 1982; to change a provision relating to payments for law enforcement in certain counties; to change distributions from the Severance Tax Fund; to change provisions relating to charges for certain state buildings and facilities; to extend authority for interfund transfers; to eliminate a provision relating to alcohol rehabilitation; to provide operative dates; to repeal the original sections, and also section 23-362.03, Revised Statutes Supplement, 1982; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Cullan	DeCamp	Eret
Fenger	Goll	Goodrich	Haberman	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, V.
Kahle	Kilgarin	Lamb	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Withem			

Voting in the negative, 0.

Present and not voting, 5:

Fowler	Hannibal	Johnson, R.	Labedz	Wiitala

Excused and not voting, 2:

Clark	Pappas

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 608. 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, 1984; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Cullan	DeCamp	Eret
Fenger	Goll	Goodrich	Haberman	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, V.	Kahle	Kilgarin	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Withem		

Voting in the negative, 0.

Present and not voting, 4:

Fowler	Johnson, R.	Labedz	Wiitala

Excused and not voting, 2:

Clark	Pappas

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 HEARING
Public Health and Welfare

Governor's Appointments, Friday, May 20, 1983 1:00 p.m.
Confirmation Hearing for Dr. Henry Smith - Director, Department of Health; Robert A. Rohling - State Board of Health

(Signed) George Fenger, Chairperson

MESSAGE FROM THE GOVERNOR

May 12, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 214, 326, 573 and 573A were received in my office on May 6, 1983.

These bills were signed by me on May 12, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 244 in the Journal. No objections. So ordered.

AM1492

(Amendments to AM1373)

1. In the Warner amendment adopted on May 10, on page 1, line 9, strike the second "any" and insert "designated"; in line 11 after the period insert "The Director- State Engineer shall adopt rules and regulations, consistent with federal requirements, designating safety devices which shall be excluded in determining vehicle width."; and in line 14 strike "any" and insert "designated".

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 234, 234A, 469, 607, and 608.

MOTION - Return LB 617 to Select File

Mr. Chambers moved to return LB 617 to Select File for his pending

specific amendment found in the Journal on page 2150.

Messrs. Newell, Wagner, and Kahle asked unanimous consent to be excused until they return. No objections. So ordered.

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. Chambers requested a record vote on his motion to return.

Voting in the affirmative, 19:

Abboud	Beyer	Chambers	Fenger	Goll
Haberman	Hefner	Higgins	Johnson, L.	Lamb
Landis	Nichol	Peterson, H.	Peterson, R.	Pirsch
Remmers	Sieck	Vickers	Von Minden	

Voting in the negative, 25:

Barrett	Beutler	Carsten	Cullan	DeCamp
Fowler	Goodrich	Hannibal	Hoagland	Jacobson
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lundy	Marsh	Morehead	Rupp	Schmit
Wagner	Warner	Wesely	Wiitala	Withem

Present and not voting, 2:

Chronister Eret

Excused and not voting, 3:

Clark Newell Pappas

The Chambers motion to return lost with 19 ayes, 25 nays, 2 present and not voting, and 3 excused and not voting.

Mr. Chambers moved to return LB 617 to Select File for the following specific amendment:

P. 4, lines 12, 13, strike reference to "judges retirement fund fee" and abolish the fee by striking all references to it in the statutes.

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler requested a ruling of the Chair on whether the Chambers

amendment is germane to the bill.

Mr. Chronister asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chair ruled the amendment is germane to the bill.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Haberman and Mrs. Morehead asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers requested a roll call vote on his motion to return.

Voting in the affirmative, 7:

Chambers	Hefner	Higgins	Nichol	Peterson, R.
Pirsch	Von Minden			

Voting in the negative, 35:

Abboud	Barrett	Beutler	Beyer	Carsten
Cullan	DeCamp	Eret	Fenger	Fowler
Goll	Goodrich	Hannibal	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Remmers	Rupp	Schmit	Sieck	Vickers
Wagner	Warner	Wesely	Wiitala	Withem

Present and not voting, 1:

Peterson, H.

Excused and not voting, 6:

Chronister	Clark	Haberman	Morehead	Newell
Pappas				

The Chambers motion to return lost with 7 ayes, 35 nays, 1 present and not voting, and 6 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 12, 1983, at 4:05 p.m., were the

following bills: 302, 302A, 35, 35A, 213, 213A, 200, 200A, 204, 204A, 571, 571A, 234, 234A, 469, 607, and 608.

(Signed) Jan Loder, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 17, 253, 388, 494, and 621.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 17

The following changes, required to be reported for publication in the Journal, have been made:
ER0109

1. In the DeCamp-Beutler amendment, AM1426:

(a) Because of the Newell amendment adopted May 10, on page 1, line 2, "line" has been stricken; and in line 3 the second quotation mark has been stricken; and

(b) On page 1, line 12, the underscored semicolon has been stricken.

2. E & R amendment 3 has been stricken.

Enrollment and Review Change to LB 494

The following changes, required to be reported for publication in the Journal, have been made:
ER0113

1. On page 1, the matter beginning with "change" in line 6 through the first "to" in line 7 has been stricken and "provide for the transfer of" inserted; in line 7 "as prescribed" has been inserted after "exemptions"; and the matter beginning with "to" in line 10 through the first semicolon in line 11 has been stricken.

2. On page 7, line 14, after "assessor" an underscored comma has been inserted.

3. On page 9, line 25, after "35" an underscored comma has been inserted.

(Signed) Tristi J. Wilson
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 336 in the Journal. No objections. So ordered.

AM1486

(Amendments to Beutler/Pappas amendment, AM1400)

1. On page 3, line 14, strike "or device based on chance" and insert "to select winning tickets. Lottery shall not include any gambling scheme which uses any mechanical gaming device, computer gaming device, electronic gaming device, or video gaming device, which has the capability of awarding monetary prizes, free games redeemable for monetary prizes, or tickets or stubs redeemable for monetary prizes".

2. On page 30, line 10, after the period insert "Gambling device shall also include any mechanical gaming device, computer gaming device, electronic gaming device, or video gaming device, which has the capability of awarding monetary prizes, free games redeemable for monetary prizes, or tickets or stubs redeemable for monetary prizes."; and in line 19 after "medium" insert "printed on a disposable ticket, board, or card".

Mr. Warner asked unanimous consent to print the following amendment to LB 632 in the Journal. No objections. So ordered.

AM1489

1. Insert the following new section:

"Sec. 4. (1) The Director of Personnel shall, on January 1, 1984, revise the Classified Service Salary Schedule and the Medical Doctors Salary Schedule of the State of Nebraska Classification and Pay Plan by increasing all hiring, minimum permanent, and maximum rates of each salary grade by five per cent to the nearest dollar. The monthly, biweekly, and hourly rates shall be computed from the increased annual rate.

(2) On January 1, 1984, all permanent employees with a minimum of six months continuous service with the state will be granted an increase of five per cent to the nearest dollar over their December 31, 1983, salary rate except as provided in subsections (3), (5), and (6) of this section.

(3) A permanent employee who on Janaury 1, 1984, is serving a probationary period as a result of disciplinary action shall not be granted the salary increase provided in subsection (2) of this section

until the employee has satisfactorily completed probation and the agency director approves the salary adjustment, except that no permanent employee serving a probation period because of disciplinary reasons shall be paid less than the minimum permanent rate established for his or her salary grade in effect on January 1, 1984.

(4) On Janaury 1, 1984, an employee serving an original probationary period with less than six months of continuous service with the state shall be granted a salary increase, if necessary, such that the employee is paid at the hiring rate of pay established for his or her salary grade in effect January 1, 1984.

(5) No employee shall receive more than a five per cent salary increase for the period January 1, 1984, to June 30, 1984, if such a salary increase would result in the employee being paid above the maximum rate for his or her salary grade in effect January 1, 1984.

(6) Salary increases granted under subsections (2) and (4) of this section shall be distributed on January 1, 1984, in such a manner that expenditures for permanent and temporary salaries and per diems shall not exceed the limitations enumerated by law.

(7) In addition to the salary increases granted under subsections (2) and (4) of this section, salary increases may be granted for promotions, merit, salary grade adjustments, or reclassifications only if such salary adjustments do not increase expenditures for permanent and temporary salaries and per diems above the limitations enumerated by law. Any requests for adjustments to the limitation for 1983- 84 on permanent and temporary salaries and per diems shall be submitted on or before January 1, 1984, to the Legislative Fiscal Analyst who shall present such requests to the Appropriations Committee. Such requests shall include copies of the written documentation provided by the Department of Personnel for approval of classification changes and salary grade adjustments.".

2. Renumber remaining sections accordingly.

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 632. Placed on General File as amended.
Standing Committee amendments to LB 632:
AM1488

1. On page 1, line 1, after "Act" insert "relating to state employee benefits;"; strike beginning with the second comma in line 2 through "program" in line 3; in line 4 after "contributions" insert "for the insurance program for state employees"; in line 6 after the semicolon insert "to create a fund;".

2. Insert the following new sections:

"Sec. 4. There is hereby created the State Employee Salary Fund which shall be set apart and maintained by the State Treasurer. The State Employee Salary Fund shall only be used to provide salary increases for state employees effective January 1, 1984, except that transfers may be made to the General Fund at the direction of the Legislature. Any money in the State Employee Salary Fund available for investment shall be invested by the state investment officer pursuant to sections 72- 1237 to 72- 1269.

Sec. 5. (1) On July 15, 1983, the State Treasurer shall transfer from the General Fund to the State Employee Salary Fund the amount that actual net General Fund receipts for the period July 1, 1982, to June 30, 1983, exceed $757,476,000.

(2) On October 15, 1983, the State Treasurer shall transfer from the General Fund to the State Employee Salary Fund the amount that actual net General Fund receipts for the period July 1, 1983, to September 30, 1983, exceed $191,592,000.

(3) On Janaury 15, 1984, the State Treasurer shall transfer from the General Fund to the State Employee Salary Fund the amount that actual net General Fund receipts for the period October 1, 1983, to December 31, 1983, exceed $186,461,000.

(4)Such transfers shall not exceed a total of $7,841,568 during the period July 1, 1983, to January 30, 1984.

(5) If the amount of actual receipts is less than the amount specified in subsections (2) and (3) of this section, the State Treasurer shall transfer from the State Employee Salary Fund to the General Fund the amount that actual net General Fund receipts are less than the amount specified.

Sec. 6. The calculation of net General Fund receipts, as provided in section 5 of this act, shall be based on the assumptions with respect to tax rates and tax law included in the Tax Commissioner's report made

on the seventieth legislative day pursuant to section 77- 2715.02. General Fund receipts or refunds due to (1) an income tax or withholding rate greater than twenty per cent, (2) sales and use taxes greater than three and one half per cent, (3) transfers to the General Fund pursuant to Legislative Bill 628, Eighty- eighth Legislature, First Session, 1983, or (4) other legislation that is passed by the Eighty- eighth Legislature, First Session, 1983, and becomes law, which were not included in such report, shall not be included in the calculation of net General Fund receipts as provided for in section 5 of this act.".

3. Renumber remaining sections accordingly.

(Signed) Jerome Warner, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 632A. By Warner, 25th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 632, Eighty-eighth Legislature, First Session, 1983; to appropriate funds to certain institutions of higher education; and to declare an emergency.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 210, 224, 356A, and 472.

(Signed) Rod Johnson, Chairperson

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 617. With Emergency.

A BILL FOR AN ACT relating to fees; to amend sections 33-106.02, 54-820.01, 54-1165, 54-1704, 67-293, 71-604.01, 71-612, 71-623, 71-627, 71-628, 71-634, 71-1116, 71-1559, 71-2619, 71-2622, 71-4305,

71-4604.01, 71-4624, 81-2,162.23, 81-2,174, 84-1209, 84-1226, and 89-187, Reissue Revised Statutes of Nebraska, 1943, and sections 26-112, 33-106, 33-123, 33-124, and 54-1904, Revised Statutes Supplement, 1982; to provide for fees; to change provisions relating to fees; to provide powers and duties; to harmonize provisions; to create certain funds; to provide an operative date and an exception; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 32:

Barrett	Beutler	Beyer	Carsten	Cullan
DeCamp	Fowler	Goll	Goodrich	Hannibal
Higgins	Hoagland	Jacobson	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Landis	Lundy
Marsh	Morehead	Newell	Rupp	Schmit
Speck	Vickers	Wagner	Warner	Wesely
Wiitala	Withem			

Voting in the negative, 10:

Abboud	Chambers	Eret	Hefner	Lamb
Nichol	Peterson, R.	Pirsch	Remmers	Von Minden

Present and not voting, 3:

Fenger	Johnson, L.	Peterson, H.

Excused and not voting, 4:

Chronister	Clark	Haberman	Pappas

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 28:

Barrett	Beyer	Chronister	Cullan	DeCamp
Fowler	Goll	Goodrich	Haberman	Hannibal
Higgins	Hoagland	Johnson, L.	Johnson, R.	Kahle
Kilgarin	Landis	Lundy	Morehead	Newell

Peterson, H.	Rupp	Schmit	Sieck	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 11:

Abboud	Carsten	Chambers	Hefner	Jacobson
Lamb	Marsh	Nichol	Pirsch	Remmers
Von Minden				

Present and not voting, 8:

Beutler	Eret	Fenger	Johnson, V.	Labedz
Peterson, R.	Vickers	Wagner		

Excused and not voting, 2:

Clark	Pappas

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

MOTION - Reconsider Final Passage of LB 617

Messrs. Haberman, DeCamp, and Chronister moved to reconsider LB 617 on final reading with the emergency clause attached.

The motion prevailed with 33 ayes, 7 nays, 7 present and not voting, and 2 excused and not voting.

BILL ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 617. With Emergency.

Whereupon the President stated: "All provisions of 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:

Barrett	Beutler	Beyer	Carsten	Chronister
Cullan	DeCamp	Fowler	Goll	Goodrich
Haberman	Hannibal	Higgins	Hoagland	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Landis
Lundy	Marsh	Morehead	Newell	Rupp

Schmit	Sieck	Vickers	Wagner	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 9:

Abboud	Chambers	Fenger	Hefner	Lamb
Nichol	Pirsch	Remmers	Von Minden	

Present and not voting, 5:

Eret	Jacobson	Johnson, L.	Peterson, H.	Peterson, R.

Excused and not voting, 2:

Clark	Pappas

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

VISITORS

Visitors to the Chamber were Margaret Becker and Wilma Patent from Pierce; 14 students and teacher from St. Paul Lutheran School, Utica; 50 students, teachers, and sponsors from Hampton Elementary, Hampton; 24 eighth grade students and sponsors from Fullerton Public School; 45 students, teachers, and sponsors from Clarkson Public School; 20 fourth grade students and teachers from Lincoln School, Grand Island; 25 seventh and eighth grade students, teacher, and sponsors from Hanover, Kansas; and 14 seniors and teacher from Dawson-Verdon.

ADJOURNMENT

Mrs. Marsh moved to adjourn. The motion prevailed with 25 ayes, 14 nays, 8 present and not voting, 2 excused and not voting, and at 5:23 p.m., on a motion by Mrs. Marsh, the Legislature adjourned until 9:00 a.m., Monday, May 16, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-THIRD DAY - MAY 16, 1983

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

EIGHTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 16, 1983

Pursuant to adjournment, the Legislature met at 9:06 a.m., Speaker Nichol presiding.

PRAYER

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

ROLL CALL

The roll was called and all members were present except Messrs. Beyer, Fowler, V. Johnson, Newell, Rupp, Warner, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2261, after line 13 insert:

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 617.
The Journal for the Eighty-Second Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 146 and 411.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 411

The following changes, required to be reported for publication in the Journal, have been made:
ER0112

1. On page 1, line 4, "and" has been stricken and "; and to declare an emergency" has been inserted after "section".

(Signed) Tristi J. Wilson
E & R Attorney

REPORT OF EMPLOYEES

To: Patrick O'Donnell
Clerk of the Legislature
From: Laura Ashelford
Legislative Accountant
Re: Session Employee Expense

During the month of April, 1983, 153 full and part-time Senators session employees and temporary session employeees were paid a total of $114,415.06. Of this amount, $730.40 was overtime.

Detailed information is on file in the Accounting and Budgeting Office.

REPORT

Received report from Department of Roads of statement of deposits to Highway Cash Fund and Roads Operation Cash Fund for April, 1983.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 13, 1983, at 11:40 a.m., was the following bill: 617.

(Signed) Jan Loder, Enrolling Clerk

STANDING COMMITTEE REPORT
Public Health and Welfare

The Committee on Public Health and Welfare desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Manufactured Housing Advisory Board - Martin Huff, Rod Tompkins, Joe Rogers, Tim Lynch
Advisory Committee on Public Welfare, Institutions and Corrections - Ron Cope
Director, Department of Institutions - Ron Jensen
Foster Care Review Board - Dr. John P. Murray

The Committee voted 7-0-0 in favor of these appointments. Senators Withem, Barrett, Fenger, Higgins, R. Peterson, Wesely and Rupp voted AYE.

(Signed) George Fenger, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 196.

MOTION - Return LB 269 to Select File

Mr. Von Minden moved to return LB 269 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Chambers raised a point of order on whether the bill is properly before us, pursuant to Rule 6 Section 7.

The Chair overruled the point of order.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Chambers withdrew his motion to challenge the Chair.

Mr. Fenger asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hoagland 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. Cullan requested a record vote on the Von Minden motion to return LB 269 to Select File.

Voting in the affirmative, 19:

Abboud	Beyer	Chambers	Eret	Goll

Haberman	Hefner	Jacobson	Johnson, L.	Kahle
Lamb	Lundy	Morehead	Nichol	Peterson, H.
Peterson, R.	Pirsch	Remmers	Von Minden	

Voting in the negative, 27:

Barrett	Beutler	Carsten	Chronister	Clark
Cullan	DeCamp	Fowler	Goodrich	Hannibal
Higgins	Hoagland	Johnson, R.	Johnson, V.	Kilgarin
Labedz	Landis	Marsh	Newell	Pappas
Rupp	Schmit	Vickers	Wagner	Wesely
Wiitala	Withem			

Present and not voting, 1:

Sieck

Excused and not voting, 2:

Fenger Warner

The Von Minden motion to return lost with 19 ayes, 27 nays, 1 present and not voting, and 2 excused and not voting.

MOTION - Suspend Rules

Messrs. Hoagland and Cullan moved to suspend the rules, Rule 6, Sec. 8 and Rule 7, Sec. 3 and vote without further debate and without further amendments on the final passage of LB 269.

Mrs. Labedz 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. Hoagland requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 25:

Abboud	Barrett	Carsten	Chronister	Cullan
DeCamp	Goodrich	Haberman	Higgins	Hoagland
Johnson, R.	Johnson, V.	Kilgarin	Labedz	Landis
Lundy	Marsh	Newell	Pappas	Rupp
Schmit	Sieck	Wagner	Wesely	Wiitala

Voting in the negative, 17:

Clark	Eret	Fowler	Goll	Hannibal
Hefner	Jacobson	Johnson, L.	Kahle	Lamb
Morehead	Nichol	Peterson, H.	Pirsch	Remmers
Von Minden	Withem			

Present and not voting, 5:

Beutler	Beyer	Chambers	Peterson, R.	Vickers

Excused and not voting, 2:

Fenger	Warner

The Hoagland-Cullan motion lost with 25 ayes, 17 nays, 5 present and not voting, and 2 excused and not voting.

Messrs. DeCamp, Wiitala, and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Recommit LB 269 to E & R

Mr. Chambers moved pursuant to Rule 6, sec. 8(a) (final reading motions) "To recommit LB 269 to enrollment and review to correct an error and for re-engrossment" — to strike my name as co-introducer.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

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

Voting in the affirmative, 21:

Abboud	Beyer	Clark	Eret	Fowler
Goll	Hannibal	Hefner	Jacobson	Johnson, L.
Kahle	Lamb	Lundy	Morehead	Nichol
Peterson, H.	Peterson, R.	Pirsch	Remmers	Vickers
Von Minden				

Voting in the negative, 22:

Barrett	Beutler	Carsten	Chronister	Cullan
DeCamp	Goodrich	Haberman	Higgins	Hoagland
Johnson, R.	Johnson, V.	Kilgarin	Landis	Newell
Pappas	Rupp	Schmit	Sieck	Wagner
Wesely	Withem			

Present and not voting, 2:

Chambers Marsh

Excused and not voting, 4:

Fenger Labedz Warner Wiitala

The Chambers motion lost with 21 ayes, 22 nays, 2 present and not voting, and 4 excused and not voting.

MESSAGE FROM THE GOVERNOR

May 16, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 524, 610, 479, 410 and 410A were received in my office on May 10, 1983.

These bills were signed by me on May 16, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 17 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - AM1491.)

Messrs. Newell, Wiitala, DeCamp, Miss Kilgarin, and Mrs. Morehead asked unanimous consent to print the following amendment to LB 17 in the Journal. No objections. So ordered.

AM1500

(Amendments to Final Reading Copy)

1. On page 1, line 6 after the semicolon insert "to provide a credit as prescribed;".

2. Insert the following new section:

"Sec. 3. (1) There shall be allowed to resident individuals as a credit against the tax imposed by sections 77-2714 to 77-27,135, a food sales tax credit equal to seven dollars multiplied by the number of allowable personal exemptions claimed for individuals who are residents, exclusive of the extra exemptions allowable for age or blindness. In the event a dependent is claimed as an exemption on a federal return by a nonresident taxpayer who files no return in this state, such dependent resides in this state, and the support claimed by such nonresident taxpayer is substantially spent in this state, the taxpayer in this state who has legal custody of such dependent may claim such food sales tax credit for each such dependent. A refund shall be allowed to the extent that the food sales tax credit exceeds the income tax payable by the resident individual for the taxable year but no refund shall be made in any amount less than two dollars.

(2) No individual who may be claimed as a personal exemption on another individual's return shall be entitled to a food sales tax credit or refund for himself or herself. If a food sales tax credit or refund is claimed on more than one return for the same individual, the Tax Commissioner is authorized to determine the individual entitled to claim the credit or refund provided herein.

(3) Any individual, other than a person who for more than six months of the taxable year is a resident patient or inmate of a public institution or an organization exempt from tax as a charitable institution, who maintains a permanent place of abode within this state, spending in the aggregate more than six months of the taxable year within this state, shall be conclusively presumed to have paid or paid with respect to such personal exemptions retail sales and use taxes imposed by this state equal to the maximum food sales tax credit allowable.

(4) The credits or refunds for sales taxes allowed by this section shall be claimed on income tax returns or in the case of an individual not having tax liability in this state on such forms or claims for refunds as the Tax Commissioner shall prescribe.

(5) Credits to minors, including any child whose parent or guardian is a recipient of aid to dependent children, shall be claimed by the parent or guardian.

(6) The credit authorized under this section shall be available for taxes paid in 1983 and claimed on a return filed in 1984.

(7) The provisions of this section shall terminate on December 31, 1984.".

3. Renumber remaining sections accordingly.

Mr. Fowler asked unanimous consent to print the following amendment to LB 216 in the Journal. No objections. So ordered.

AM0994

1. Insert the following new section:

"Sec. 3. That section 23-2319, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2319. (1) Any member of the retirement system who ceases to be an employee before his or her sixtieth birthday may, upon application, receive from the carrier (a) a termination benefit equal to the amount of his or her employee account payable in a lump sum plus a paid- up deferred annuity provided by the vested portion of the employer account under which the first annuity payment shall be made as of the first of the month immediately following the sixty- fifth birthday or (b) a paid- up deferred annuity provided by the employee account and the vested portion of the employer account under which the first annuity payment shall be made as of the first of the month immediately following the sixty- fifth birthday. If the terminating member does not make such application, he or she shall receive the benefits provided under subdivision (1)(b) of this section. ~~to withdraw the amount in his employee account, he shall be granted, in lieu thereof, a paid- up deferred annuity under which the first annuity payment shall be made as of the first of the month immediately following his sixty- fifth birthday.~~

(2) At the option of the terminating member, any paid- up deferred annuity provided under subsection (1) of this section ~~such annuity~~ may commence as of the first of the month at any time after such member attains the age of sixty and before his or her sixty-fifth birthday. Such election by the terminating member may

be made at any time prior to the commencement of the annuity payments. Such paid-up deferred annuity shall be the actuarial equivalent, as determined by the group annuity contract, of the employee account together with ~~a certain~~ the vested percentage of the employer account. ~~If the terminating member has been a member of the system for less than five years, such percentage shall be nil; if the terminating member has been a member of the system for at least five years, such percentage shall be twice the number of completed months, not counting the first sixty, that the terminating member has been a member of the system, but in no event shall such percentage exceed one hundred. Such percentage shall be one hundred for any disability retirement under the provisions of section 23- 2315.~~

(3) The vesting percentage shall be one hundred after four years of participation. The vesting percentage shall equal one hundred for any disability retirement under the provisions of section 23- 2315.

(4) If the terminating member shall not be credited with one hundred per cent of his or her employer account, the remainder shall be paid by the carrier to the county by whom the terminating member was employed.".

2. On page 4, line 4, strike "section" and insert "sections" and after "23-2306" insert "and 23-2319".

3. Renumber original section 3 as section 4.

MOTION - Reconsider Action on LB 269

Mr. Chambers moved to reconsider the vote just taken on LB 269.

Mr. V. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Mr. Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 6:

Beyer Chambers Fowler Higgins Newell Vickers

Voting in the negative, 36:

Barrett	Beutler	Carsten	Chronister	Clark
Cullan	DeCamp	Eret	Goll	Goodrich
Haberman	Hannibal	Hefner	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Lamb	Landis	Lundy	Marsh	Morehead
Nichol	Pappas	Peterson, H.	Peterson, R.	Remmers
Rupp	Schmit	Sieck	Wagner	Wesely
Withem				

Present and not voting, 2:

Abboud Von Minden

Absent and not voting, 1:

Pirsch

Excused and not voting, 4:

Fenger Labedz Warner Wiitala

The Chambers motion lost with 6 ayes, 36 nays, 2 present and not voting, 1 absent and not voting, and 4 excused and not voting.

Mr. Vickers asked unanimous consent to be excused. No objections. So ordered.

MOTION - Return LB 269 to Select File

Mr. Kahle moved to return LB 269 to Select File for the following specific amendment:

On page 2 strike this language beginning on line 20 with - On Jan 3 1985 to line 24 at the period after the word date

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Kahle requested a roll call vote on his motion to return.

Voting in the affirmative, 20:

Beyer	Carsten	Clark	Eret	Goll

Haberman	Hannibal	Hefner	Jacobson	Johnson, L.
Kahle	Lamb	Lundy	Newell	Peterson, H.
Peterson, R.	Remmers	Sieck	Von Minden	Withem

Voting in the negative, 21:

Abboud	Barrett	Beutler	Chronister	Cullan
DeCamp	Fowler	Goodrich	Hoagland	Johnson, R.
Johnson, V.	Kilgarin	Landis	Marsh	Nichol
Pappas	Rupp	Schmit	Wagner	Wesely
Wiitala				

Present and not voting, 2:

Chambers Morehead

Absent and not voting, 1:

Pirsch

Excused and not voting, 5:

Fenger	Higgins	Labedz	Vickers	Warner

The Kahle motion lost with 20 ayes, 21 nays, 2 present and not voting, 1 absent and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 126 and 371.

Correctly Engrossed

The following bills were correctly engrossed: 59, 273, 273A, and 408.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 59

The following changes, required to be reported for publication in the Journal, have been made:
ER0099

1. On page 1, lines 1 through 4 have been stricken and

"FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.01, 77-27,137, 77-27,137.01, 79-1333, and 81-125.01, Revised Statutes Supplement, 1982; to provide for an additional sales tax rate as prescribed; to change provisions relating to aid to counties, incorporated municipalities, and school districts as prescribed; to create a fund; to provide for collection of such additional tax; to change provisions relating to budget preparation as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency." has been inserted.

2. On page 2, line 12, after the reinstated matter, a period has been inserted.

3. In the DeCamp-Morehead amendments adopted 5/3, page 8, lines 8 and 9 "and Assessment" has been inserted after "Equalization"; and in line 12, "day" has been stricken and "date" inserted.

4. In the Warner amendment adopted 5/3, on page 1, line 12, the second "the" has been stricken and "The" inserted.

5. Because of the Morehead-Decamp amendment adopted May 11 and the Warner amendment adopted May 11, (a) original section 2 has been stricken, and (b) in the Morehead-DeCamp amendment adopted on May 3, on page 9, line 12, "77-2715.01," has been inserted after "sections"; and in line 13 "and" has been stricken and "and 81-125.01," has been inserted after "79-1333,".

6. The E & R amendment has been stricken.

Enrollment and Review Change to LB 126
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0116

1. Because of the Nichol amendment adopted on May 11, the first Cullan amendment has been stricken.

Enrollment and Review Change to LB 273

The following changes, required to be reported for publication in the Journal, have been made:
ER0096

1. In order to give effect to the Hefner amendment adopted 4/27/83 and because the Hefner amendment adopted 4/27/83 is irreconcilable with the Hefner amendment adopted 4/12/83, the Hefner amendment adopted 4/12/83 has been stricken.

2. In the Wiitala amendments 2 and 3, the period has been moved behind the last quotation mark.

3. In the Newell amendment on page 1654 of the Journal, line 1,

"means" has been inserted after "following"; in line 2 after "restriction" a comma has been inserted; in line 3, "refuse" has been stricken and "refusal of" has been inserted; and paragraphing has been inserted.

4. In the E & R amendments, lines 2 and 3 "license revocation or denial" has been stricken and "enforcement" inserted.

5. On page 1, line 3, after the semicolon "to provide duties and powers;" has been inserted

6. On page 3, line 10, the second comma has been stricken.

Enrollment and Review Change to LB 273A
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0098

1. In the Warner amendment adopted on April 27, the period following "ten" in the last line has been moved after the adjacent quotation marks.

Enrollment and Review Change to LB 371
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0115

1. On page 3, lines 22 and 24, the semicolons have been stricken, shown as stricken, and underscored commas inserted.

2. In the Beutler amendment, adopted on May 11, to the Final Reading Copy, in line 1, the semicolon has been stricken and an underscored comma inserted.

3. In the Newell amendment adopted on May 11, on page 1, line 2, section 2 has been renumbered section 3.

4. On page 8, line 8, "7 and 8" has been stricken and "9 and 10" inserted.

5. On page 10, line 11, "7" has been stricken and "9" inserted.

6. On page 2, line 1 after the first semicolon "to define and redefine terms;" has been inserted.

Enrollment and Review Change to LB 408

The following changes, required to be reported for publication in the Journal, have been made:
ER0117

1. On page 1, line 3, "to the Department of Roads" has been stricken.

(Signed) Tristi J. Wilson
E & R Attorney

VISITORS

Visitors to the Chamber were 22 students and teacher from North Bend; 17 students, teacher, and parents from St. Pauls Lutheran School, Utica; 16 students, teacher, and parents from Green Hill School, Kearney; Dipendra Sinha from Calcutta, India; Saadi Simawe from Iraq; 22 students and teacher from Lincoln Christian School, Lincoln; and Billy Melvin and family from Sutherland.

RECESS

At 11:58 a.m., on a motion by Mr. Haberman, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m, Speaker Nichol presiding.

ROLL CALL

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

MOTION - Suspend Rules on Proposed Rules Change

Mr. DeCamp moved to suspend the rules, Rule 2, Sec 2, to allow adoption of the DeCamp-Chambers proposed rules change as follows:

To amend Rule 3, Section 4 (d) by adding a new sub-section (D) and sub-section (E):

(D.) To add and/or delete names of introducers to reflect action on the bill while the bill remains in the possession of the legislature at any stage of consideration.

(E.) To reflect votes on final reading as they may occur pursuant to Rule 6, Section 10 and Rule 6, Section 15.

Mr. Newell asked unanimous consent to be excused until he returns. No objections. So ordered.

The DeCamp motion to suspend the rules prevailed with 31 ayes, 6 nays, 10 present and not voting, and 2 excused and not voting.

The DeCamp-Chambers pending proposed Rules Change was adopted with 33 ayes, 7 nays, 7 present and not voting, and 2 excused and not

voting.

MOTION - Suspend Rules

Messrs. Cullan and Hoagland moved to suspend the rules, Rule 6, Sec. 8 and Rule 7, Sec. 3 and 7 and vote without further debate and without further amendments on the final passage of LB 269.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

The Cullan-Hoagland motion to suspend the rules prevailed with 30 ayes, 1 nay, 16 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 269.

A BILL FOR AN ACT to amend section 24-201.01, Reissue Revised Statutes of Nebraska, 1943, relating to courts; to increase judges' salaries 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. Chambers requested a roll call vote.

Voting in the affirmative, 25:

Barrett	Beutler	Chronister	Clark	Cullan
DeCamp	Fowler	Goodrich	Higgins	Hoagland
Jacobson	Johnson, R.	Johnson, V.	Kilgarin	Labedz
Landis	Marsh	Pappas	Rupp	Schmit
Vickers	Wagner	Wesely	Wiitala	Withem

Voting in the negative, 20:

Abboud	Carsten	Chambers	Eret	Goll
Haberman	Hannibal	Hefner	Johnson, L.	Kahle
Lamb	Lundy	Nichol	Peterson, H.	Peterson, R.
Pirsch	Remmers	Sieck	Von Minden	Warner

Present and not voting, 2:

Beyer Morehead

Excused and not voting, 2:

Fenger Newell

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 269A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 269, Eighty-eighth Legislature, First Session, 1983.

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, 27:

Barrett	Beutler	Chronister	Clark	Cullan
DeCamp	Fowler	Goodrich	Higgins	Hoagland
Johnson, R.	Johnson, V.	Kilgarin	Labedz	Landis
Marsh	Morehead	Newell	Pappas	Rupp
Schmit	Vickers	Wagner	Warner	Wesely
Wiitala	Withem			

Voting in the negative, 19:

Abboud	Carsten	Chambers	Eret	Goll
Haberman	Hannibal	Hefner	Johnson, L.	Kahle
Lamb	Lundy	Nichol	Peterson, H.	Peterson, R.
Pirsch	Remmers	Sieck	Von Minden	

Present and not voting, 2:

Beyer Jacobson

Excused and not voting, 1:

Fenger

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass.

MOTION - Return LB 73 to Select File

Mr. Remmers moved to return LB 73 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Remmers asked unanimous consent to withdraw his pending motion to return LB 73. No objections. So ordered.

Mr. Vickers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman moved to return LB 73 to Select File for the following specific amendment:

Pg 11, line 16, change word "five" to "six".

Mr. Haberman asked unanimous consent to withdraw his pending motion to return LB 73. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 73.

A BILL FOR AN ACT to amend sections 88-404, 88-502, 88-504, and 88-518, Reissue Revised Statutes of Nebraska, 1943, and sections 88-401 and 88-503, Revised Statutes Supplement, 1982, relating to warehouses; to provide for personal sureties; to change certain duties of the Public Service Commission; to provide for periodic inspections; to change provisions relating to licensing; to provide for proof of financial responsibility; to provide an alternative to the bonding requirement; to change provisions relating to duration of a license; to require inspections on conditions leading to grain dust explosions; 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	Carsten	Chambers	Eret	Fowler
Goodrich	Haberman	Hannibal	Higgins	Hoagland
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Landis	Lundy	Marsh	Newell	Nichol
Pappas	Pirsch	Schmit	Sieck	Wagner
Warner	Wesely	Wiitala	Withem	

Voting in the negative, 18:

Abboud	Barrett	Beyer	Chronister	Clark
Cullan	DeCamp	Goll	Hefner	Jacobson
Johnson, L.	Lamb	Morehead	Peterson, H.	Peterson, R.
Remmers	Rupp	Von Minden		

Present and not voting, 2:

Fenger	Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 73A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 73, Eighty-eighth Legislature, First Session, 1983.

Whereupon the 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	Chambers	Cullan	Eret	Fowler
Haberman	Hannibal	Higgins	Hoagland	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Pirsch	Rupp	Schmit	Sieck
Wagner	Warner	Wesely	Wiitala	Withem

Voting in the negative, 16:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	DeCamp	Goll	Goodrich	Hefner

Jacobson Johnson, L. Peterson, H. Peterson, R. Remmers
Von Minden

Present and not voting, 1:

Lamb

Excused and not voting, 2:

Fenger Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Withem asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 121.

A BILL FOR AN ACT to amend section 5-105, Revised Statutes Supplement, 1982, relating to district courts; to increase the number of judges as prescribed; to exclude certain provisions from budget limitations; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Beutler	Carsten	Chambers	Cullan	DeCamp
Eret	Fowler	Haberman	Hannibal	Higgins
Hoagland	Kilgarin	Labedz	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Remmers
Rupp	Schmit	Sieck	Wagner	Warner
Wesely	Wiitala			

Voting in the negative, 18:

Abboud	Barrett	Beyer	Chronister	Clark
Goll	Goodrich	Hefner	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Lamb	Pappas	Peterson, H.
Peterson, R.	Pirsch	Von Minden		

Present and not voting, 1:

Kahle

Excused and not voting, 3:

Fenger Vickers Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 121A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 121, Eighty-eighth Legislature, First Session, 1983.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Mrs. Marsh requested a roll call vote.

Voting in the affirmative, 30:

Beutler	Carsten	Chambers	Chronister	Cullan
DeCamp	Eret	Fowler	Goodrich	Haberman
Hannibal	Higgins	Hoagland	Johnson, R.	Johnson, V.
Kilgarin	Labedz	Landis	Marsh	Morehead
Newell	Nichol	Pappas	Rupp	Schmit
Sieck	Wagner	Warner	Wesely	Wiitala

Voting in the negative, 16:

Abboud	Barrett	Beyer	Clark	Goll
Hefner	Jacobson	Johnson, L.	Kahle	Lamb
Lundy	Peterson, H.	Peterson, R.	Pirsch	Remmers
Von Minden				

Excused and not voting, 3:

Fenger Vickers Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 90. With Emergency.

A BILL FOR AN ACT to establish a day in recognition of American Indians; to provide duties; to urge observation of such day; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Eret	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Von Minden	Wagner	Warner	Wesely
Wiitala				

Voting in the negative, 0.

Excused and not voting, 3:

Fenger	Vickers	Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 90A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 90, Eighty-eighth Legislature, First Session, 1983; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Eret	Fenger	Fowler	Goll	Goodrich

Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Pirsch	Remmers	Rupp	Schmit
Sieck	Von Minden	Wagner	Warner	Wesely
Wiitala				

Voting in the negative, 0.

Present and not voting, 1:

Peterson, R.

Excused and not voting, 2:

Vickers Withem

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 271 to Select File

Mr. Chambers moved to return LB 271 to Select File for the following specific amendment:

To repeal sections 3, 4, 5, 6, 7, 33 of LB 617, passed during First Session of 88th Legislature.

Mr. Beutler requested a ruling of the Chair on whether the Chambers amendment is germane to the bill.

The Chair ruled the amendment not germane to the bill.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 11:

Chambers	Fowler	Hannibal	Higgins	Lundy

Newell	Pappas	Rupp	Sieck	Warner
Wiitala				

Voting in the negative, 34:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Goll	Goodrich	Haberman	Hefner
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Marsh	Morehead	Peterson, H.	Pirsch	Remmers
Schmit	Von Minden	Wagner	Wesely	.

Present and not voting, 2:

Nichol Peterson, R.

Excused and not voting, 2:

Vickers Withem

The Chambers motion to overrule the Chair lost with 11 ayes, 34 nays, 2 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 271. With Emergency.

A BILL FOR AN ACT to amend section 24-209, Reissue Revised Statutes of Nebraska, 1943, relating to the Supreme Court Reports; to create a fund; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin

Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Von Minden	Wagner	Warner	Wesely
Wiitala				

Voting in the negative, 0.

Present and not voting, 1:

DeCamp

Excused and not voting, 2:

Vickers Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 158.

A BILL FOR AN ACT to amend sections 48-121 and 48-122, Revised Statutes Supplement, 1982, relating to workmen's compensation; to increase compensation 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, 46:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Pirsch	Remmers	Rupp	Schmit
Sieck	Von Minden	Wagner	Warner	Wesely
Wiitala				

Voting in the negative, 0.

Present and not voting, 1:

Peterson, R.

Excused and not voting, 2:

Vickers Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 158A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 158, Eighty-eighth Legislature, First Session, 1983.

Whereupon the 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Pirsch
Remmers	Rupp	Schmit	Sieck	Von Minden
Wagner	Wesely	Wiitala		

Voting in the negative, 0.

Present and not voting, 4:

Clark Peterson, H. Peterson, R. Warner

Excused and not voting, 2:

Vickers Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Withdraw Amendment to LB 343

Messrs. DeCamp, Clark, Remmers, Vickers, and Sieck asked unanimous consent to withdraw their pending amendment, AM1404, found in the Journal on page 1980 to LB 343. No objections. So ordered.

MOTION - Return LB 343 to Select File

Messrs. Sieck, Carsten, and Vickers moved to return LB 343 to Select File for their pending amendment, AM1417, found in the Journal on page 2010.

Mr. Sieck asked unanimous consent to withdraw their pending motion to return. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 343. With Emergency.

A BILL FOR AN ACT relating to property interests; to amend section 25-205, Reissue Revised Statutes of Nebraska, 1943, and sections 9-307, 9-401, 9-403, 9-411, and 9-412, Uniform Commercial Code; to provide intent; to provide for a filing system as prescribed; to create a council and provide for its termination; to create a fund; to change provisions relating to actions to recover collateral; to change a provision relating to the protection of buyers of goods; to change the place of filing; to change and impose certain fees as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Landis	Lundy	Marsh	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch

Remmers	Rupp	Schmit	Sieck	Von Minden
Wagner	Warner	Wesely	Wiitala	

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Higgins	Lamb

Excused and not voting, 2:

Vickers	Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 343A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 343, Eighty-eighth Legislature, First Session, 1983; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Sieck	Von Minden
Wagner	Warner	Wesely	Wiitala	

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Higgins	Pappas

Excused and not voting, 2:

Vickers Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 18.

A BILL FOR AN ACT to amend sections 48-125, 48-152, 48-156, 48-162, 48-172, and 48-179, Reissue Revised Statutes of Nebraska, 1943, and section 48-153, Revised Statutes Supplement, 1982, relating to workmen's compensation; to change provisions relating to the procedure for payment of awards; to change provisions relating to attorney's fees; to increase the number of judges of the Nebraska Workmen's Compensation Court; to provide for additional powers; to allow certain costs as prescribed; to change provisions relating to the rehearing procedure; 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:

Barrett	Beutler	Beyer	Carsten	Chronister
Cullan	DeCamp	Eret	Fenger	Fowler
Goll	Goodrich	Haberman	Hannibal	Hefner
Higgins	Hoagland	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Marsh
Morehead	Newell	Nichol	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Wagner
Warner	Wesely	Wiitala		

Voting in the negative, 7:

Abboud	Clark	Johnson, L.	Lundy	Pappas
Peterson, H.	Von Minden			

Present and not voting, 3:

Chambers	Jacobson	Peterson, R.

Excused and not voting, 1:

Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 18A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 18, Eighty-eighth Legislature, First Session, 1983.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Barrett	Beutler	Beyer	Carsten	Cullan
DeCamp	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hannibal	Hefner	Higgins
Hoagland	Johnson, R.	Johnson, V.	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Remmers	Rupp	Schmit
Sieck	Vickers	Wagner	Warner	Wesely
Wiitala				

Voting in the negative, 8:

Abboud	Clark	Jacobson	Johnson, L.	Kahle
Pappas	Peterson, H.	Von Minden		

Present and not voting, 4:

Chambers	Chronister	Peterson, R.	Pirsch

Excused and not voting, 1:

Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Withdraw Amendment to LB 254

Mr. Fenger asked unanimous consent to withdraw his pending

amendment, AM1437, found in the Journal on page 2191 to LB 254. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

MOTION - Return LB 254 to Select File

Mr. Cullan moved to return LB 254 to Select File for the following specific amendment:
AM1494

(Amendments to the Final Reading Copy)

1. On page 6, strike beginning with "sections" in line 17 through "act" in line 18, show the old matter as stricken, and insert "the Emergency Medical Technician- Paramedic Act".

2. On page 12, line 16, after the period insert "Approved service program shall include military emergency services operating in cooperation with surrounding communities."; in line 23, strike beginning with "sections" through "71- 5522", show the old matter as stricken, and insert "the Emergency Medical Technician- Paramedic Act"; and strike beginning with "the" in line 25 through "71- 5522" in line 26, show the old matter as stricken, and insert "such act".

3. On page 15, line 22, strike "sections 71- 5501 to 71- 5522" and insert "the Emergency Medical Technician- Paramedic Act", and strike "pursuant"; in line 23 strike the first "to"; and in line 24 strike "sections" and insert "act".

4. On page 25, line 12, strike beginning with "provisions" through "71- 5522", show the old matter as stricken, and insert "Emergency Medical Technician- Paramedic Act".

5. On page 26, strike beginning with "provisions" in line 7 through "71- 5522" in line 8 and insert "Emergency Medical Technician- Paramedic Act".

6. On page 27, strike beginning with "provisions" in line 16 through "71- 5522" in line 17 and insert "Emergency Medical Technician- Paramedic Act".

7. On page 28, line 17, and on page 33, line 9, strike "sections 71- 5501 to 71- 5522" and insert "the Emergency Medical Technician- Paramedic Act".

8. On page 33, line 18, strike "sections

71-5501 to" and show as stricken, and strike "71- 5522" and insert "such act"; in line 19 strike "sections" and show as stricken; in line 20 strike "71-5501 to" and show as stricken, and strike "71- 5522" and insert "such act"; in line 21 strike "pursuant to sections 71-5501 to" and show as stricken; and in line 22 strike "71- 5522" and insert "thereunder".

9. On page 34, line 14, strike "Sections 71- 5501 to 71- 5522" and insert "The Emergency Medical Technician- Paramedic Act".

10. On page 40, strike beginning with "sections" in line 20 through " 71- 5522" in line 21 and insert "the Emergency Medical Technician- Paramedic Act".

11. On page 43, line 13, strike "sections 71- 5501 to 71- 5522" and insert "the Emergency Medical Technician- Paramedic Act".

The motion to return prevailed with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 254. The Cullan specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Suspend Rules

Mrs. Marsh moved to suspend the rules, Rule 6, Section 7(b) to permit consideration of LB 154, 219, 585 and 585A on final reading.

The motion prevailed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Kahle asked unanimous consent to print the following amendment to LB 604 in the Journal. No objections. So ordered.

AM1493

(Amendments to the Final Reading Copy)

1. Strike original section 16 and insert the following new sections:

"Sec. 20. That section 68-115, Revised

Statutes Supplement, 1982, be amended to read as follows:

68-115. ~~The Department of Public Welfare shall establish the residency or legal settlement requirements for eligibility for public assistance from the state and eligibility for medical services furnished by the county pursuant to section 68-104. The department shall not require a person to reside in a county or this state for more than one year to establish residency or legal settlement in the county or state respectively. Residency~~ (1) The term legal settlement for all public assistance programs shall be taken and considered to mean as follows:

Every person, except those hereinafter mentioned, who has resided one year continuously in any county, shall be deemed to have a legal settlement in such county.

Every person who has resided one year continuously within the state, but not in any one county shall have a legal settlement in the county in which he or she has resided six months continuously.

(2) The time during which a person has been an inmate of any public or private charitable or penal institution, or has received care at public expense in any type of care home, nursing home, or board and room facility licensed as such and caring for more than one patient or guest, and each month during which he or she has received relief from private charity or the poor fund of any county shall be excluded in determining the time of residence hereunder, as referred to in subsection (1) of this section.

(3) Every minor who is not emancipated and settled in his or her own right shall have the same legal settlement as the parent with whom he or she has resided.

(4) A legal settlement in this state shall be terminated and lost by (a) acquiring a new one in another state or by (b) voluntary and uninterrupted absence from this state for the period of one year with intent to abandon residence in Nebraska.

Sec. 29. That Laws 1982, Legislative Bill 602, Eighty-seventh Legislature, Second Session, section 7, be amended to read as follows:

Sec. 7. That original sections 68-104, 68-114, and 68-126, Reissue Revised Statutes of

Nebraska, 1943, are repealed.".

2. On page 1, line 4, after the first comma insert "68-115,"; and in line 7 strike "section 6" and insert "sections 6 and 7".

3. On page 2, line 5, after "also" insert "section 68-115, Reissue Revised Statutes of Nebraska 1943, and".

4. On page 3, lines 5 and 8, strike "19" and insert "18".

5. On page 6, lines 9, 14, and 17, strike "19" and insert "18".

6. On page 9, line 17, strike "16" and insert "20".

7. On page 21, line 9, strike "Section" and insert "Sections 3 and".

8. On page 22, line 2, strike "20 and 32" and insert "19 and 33"; in line 8 after "sections" insert "68-115,"; in line 10 strike "section 6" and insert "sections 6 and 7"; and in line 11 after "also" insert "section 68-115, Reissue Revised Statutes of Nebraska, 1943, and".

9. Renumber the remaining sections accordingly.

MOTION - Suspend Rules

Mr. Chambers moved to suspend Rule 3, Sec. 16 and place LB 211 on General File, notwithstanding the action of the Committee.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 604.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 604

The following changes, required to be reported for publication in the Journal, have been made:
ER0111

1. In the Carsten amendment AM1449, (a) page 1, line 2 "29" has

been stricken and "32" inserted and strike beginning with the semicolon in line 4 through "and" in line 7; and (b) page 2, line 7, "26" has been stricken and "29" inserted; in line 19, "68-109" has been stricken, shown as stricken, and "68-108" inserted; and in line 23 "29" has been stricken and "32" inserted.

2. In the Fowler amendment, AM1408 (a) page 1, line 2, "2" has been stricken and "25" inserted; (b) page 2, line 8, "3" has been stricken and "26" inserted; (c) page 5, line 2 "4" has been stricken and "27" inserted; and (d) amendment 2 has been stricken.

3. In the E & R amendment (a) amendment 1(f) has been stricken; (b) page 1, lines 19 to 22 has been stricken and the following inserted:

"FOR AN ACT relating to governmental programs; to amend sections 84-1321 and 84-1332, Reissue Revised Statutes of Nebraska, 1943, and sections 68-104, 68-130, 68-313.01, 68-717, 68-1022, and 84-1317, Revised Statutes Supplement, 1982, Laws 1982, LB 522, section 46, and Laws 1982, LB 602, section 6; to provide"; (c) on page 2,

line 4, "and public" has been inserted after "medical" and after the semicolon "to change provisions relating to state employees' retirement system benefits and participation of certain employees in such system;" has been inserted; and in line 5 "an" has been stricken and the second "date" has been stricken and "dates" inserted.

4. In the Carsten amendment, AM1340, (a) page 12, line 15 "21" has been stricken and "23" inserted; (b) page 13, line 3, "22" has been stricken and "24" inserted, and in line 25 "23" has been stricken and "28" inserted; (c) page 14, line 2 "act" has been stricken, in line 6, "24" has been stricken and "30" inserted; and in line 14 "26" has been stricken and "33" inserted; and (d) section 25 has been stricken.

5. The following new section has been inserted:

"Sec. 31. That original sections 84-1321 and 84-1332, Reissue Revised Statutes of Nebraska, 1943, and sections 68-130, 68-313.01, 68-717, 68-1022, and 84-1317, Revised Statutes Supplement, 1982, Laws 1982, LB 522, section 46, and Laws 1982, LB 602, section 6, and also sections 68-103, 68-105, 68-109, and 68-110, Revised Statutes Supplement, 1982, and Laws 1982, LB 522, sections 20, 24, 25, and 26, are repealed.".

(Signed) Tristi J. Wilson
E & R Attorney

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 154.

A BILL FOR AN ACT to amend sections 2-955 and 2-963, Reissue Revised Statutes of Nebraska, 1943, relating to noxious weeds; to provide duties; to provide a penalty; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud	Barrett	Beyer	Chronister	Cullan
DeCamp	Fenger	Fowler	Goll	Goodrich
Haberman	Hefner	Hoagland	Jacobson	Johnson, L.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Rupp	Schmit
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala				

Voting in the negative, 8:

Beutler	Carsten	Chambers	Clark	Hannibal
Johnson, V.	Remmers	Sieck		

Present and not voting, 3:

Eret	Higgins	Morehead

Excused and not voting, 2:

Johnson, R. Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 219 to Select File

Mrs. Pirsch moved to return LB 219 to Select File for the following specific amendment:

On page 5, strike the new language and reinstate the old language on line 10; reinstate the old language on lines 11 through 21 and strike the new language on lines 22 through 26.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Pirsch requested a roll call vote on her motion to return.

Voting in the affirmative, 17:

Abboud	Beutler	Chronister	Clark	Eret
Fenger	Hefner	Jacobson	Johnson, L.	Kahle
Lamb	Nichol	Peterson, H.	Pirsch	Remmers
Sieck	Von Minden			

Voting in the negative, 24:

Barrett	Beyer	Carsten	Chambers	Cullan
Fowler	Goodrich	Haberman	Hannibal	Hoagland
Kilgarin	Labedz	Landis	Marsh	Morehead
Newell	Pappas	Rupp	Schmit	Vickers
Wagner	Warner	Wesely	Wiitala	

Present and not voting, 6:

DeCamp	Goll	Higgins	Johnson, V.	Lundy
Peterson, R.				

Excused and not voting, 2:

Johnson, R. Withem

The Pirsch motion to return lost with 17 ayes, 24 nays, 6 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 219.

A BILL FOR AN ACT to amend sections 84-1307, 84-1321, and 84-1323.02, Reissue Revised Statutes of Nebraska, 1943, and section 84-1317, Revised Statutes Supplement, 1982, relating to retirement; to change membership provisions; to change an optional retirement date; to change benefit provisions as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Barrett	Beutler	Beyer	Carsten	Chronister
Cullan	DeCamp	Eret	Fowler	Goll
Goodrich	Haberman	Hannibal	Higgins	Hoagland
Johnson, V.	Kilgarin	Labedz	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Pappas
Remmers	Rupp	Schmit	Vickers	Wagner
Warner	Wesely	Wiitala		

Voting in the negative, 13:

Abboud	Clark	Fenger	Hefner	Jacobson
Johnson, L.	Kahle	Lamb	Peterson, H.	Peterson, R.
Pirsch	Sieck	Von Minden		

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Johnson, R. Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 585.

A BILL FOR AN ACT to adopt the Nebraska Mathematics and Science Teaching Student Assistance Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Abboud	Beutler	Beyer	Chronister	Cullan
DeCamp	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hannibal	Higgins	Hoagland
Johnson, L.	Kilgarin	Labedz	Landis	Lundy
Marsh	Morehead	Newell	Peterson, H.	Pirsch
Remmers	Rupp	Schmit	Sieck	Vickers
Wagner	Wiitala			

Voting in the negative, 13:

Barrett	Carsten	Clark	Hefner	Jacobson
Johnson, V.	Lamb	Nichol	Pappas	Peterson, R.
Von Minden	Warner	Wesely		

Present and not voting, 2:

Chambers Kahle

Excused and not voting, 2:

Johnson, R. Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 585A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 585, Eighty-eighth Legislature, First Session, 1983.

Whereupon the 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:

Abboud	Beyer	Chambers	Chronister	Cullan
DeCamp	Eret	Fenger	Fowler	Goll
Goodrich	Haberman	Hannibal	Hoagland	Johnson, L.
Kilgarin	Labedz	Landis	Marsh	Morehead
Newell	Pappas	Peterson, H.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Wagner
Wiitala				

Voting in the negative, 14:

Barrett	Carsten	Clark	Hefner	Jacobson
Johnson, V.	Kahle	Lamb	Lundy	Nichol
Peterson, R.	Von Minden	Warner	Wesely	

Present and not voting, 2:

Beutler Higgins

Excused and not voting, 2:

Johnson, R. Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 73, 73A, 121, 121A, 90, 90A, 271, 158, 158A, 343, 343A, 18, 18A, 154, 219, 585, 585A, and 269.

UNANIMOUS CONSENT - Print in Journal

Messrs. R. Johnson, Wiitala, Chronister, Hefner, Sieck, Kahle, Von Minden, Goll, Rupp, Wagner, Eret, Pappas, Haberman, Hannibal, Newell, Fenger, Nichol, Miss Kilgarin, Mesdames Labedz, Morehead, Higgins, and Pirsch asked unanimous consent to print the following amendment to LB 118 in the Journal. No objections. So ordered.

AM1487

(Amendments to Final Reading Copy)

1. On page 5, line 17, after "Nebraska"
insert "and the words The Good Life,".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 130A. By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 130, Eighty-eighth Legislature, First Session, 1983.

VISITORS

Visitors to the Chamber were Senator Eret's daughter-in-law, Janice Eret and granddaughter, Michelle; Carson Rogers from Ord; 32 students, teachers, and parents from Yutan Elementary, Yutan; and 50 students, teachers, and parents from Nelson Grade School, Kearney.

ADJOURNMENT

At 4:27 p.m., on a motion by Mr. Sieck, the Legislature adjourned until 8:30 a.m., Tuesday, May 17, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-FOURTH DAY - MAY 17, 1983

LEGISLATIVE JOURNAL

EIGHTY-FOURTH DAY - MAY 17, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

EIGHTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 17, 1983

Pursuant to adjournment, the Legislature met at 8:30 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Senator Howard Peterson.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Barrett, Beutler, Chambers, Fenger, Hoagland, Landis, Newell, R. Peterson, Schmit, Warner, Wiitala, Mesdames Higgins, Labedz, Pirsch, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Third Day was approved.

SPEAKER'S ANNOUNCEMENT

May 16, 1983

Senator Vard Johnson, Chairperson
Reference Committee
Room 2108
State Capitol Building
Lincoln, Nebraska 68509

RE: Resolutions

Dear Senator Johnson:

Pursuant to the authority vested in me as Speaker, regarding the referral of Resolutions to a Committee for a hearing, I hereby send to

the Reference Committee LR 197, dealing with the Platte River and Whooping Cranes. I forward this resolution to your Committee for referral to the appropriate standing committee for public hearing.

Should you have questions or comments, please don't hesitate to contact me.

Sincerely,
(Signed) William E. Nichol
Speaker of the Legislature

WEN:tle
cc: Patrick J. O'Donnell
Clerk of the Legislature

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 16, 1983, at 5:00 p.m., were the following bills: 269, 73, 73A, 121, 121A, 90, 90A, 271, 158, 158A, 343, 343A, 18, 18A, 154, 219, 585 and 585A.

(Signed) Jan Loder, Enrolling Clerk

GENERAL FILE

LEGISLATIVE BILL 210A. Title read. Considered.

Mr. Fowler moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Fowler requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 24:

Barrett	Beyer	Carsten	Cullan	Eret
Fowler	Hannibal	Higgins	Johnson, R.	Johnson, V.
Labedz	Landis	Marsh	Morehead	Newell
Pappas	Pirsch	Rupp	Schmit	Vickers
Wagner	Warner	Wesely	Withem	

Voting in the negative, 20:

Abboud	Chronister	Clark	DeCamp	Fenger
Goll	Goodrich	Haberman	Hefner	Jacobson
Johnson, L.	Kahle	Lamb	Lundy	Nichol
Peterson, H.	Peterson, R.	Remmers	Sieck	Von Minden

Excused and not voting, 5:

Beutler Chambers Hoagland Kilgarin Wiitala

Failed to advance to E & R for Review with 24 ayes, 20 nays, and 5 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 429. Considered.

Mrs. Higgins offered the following amendment:
Strike the enacting clause.

Mrs. Higgins asked unanimous consent to withdraw her pending amendment. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Advanced to E & R for Review with 30 ayes, 9 nays, 9 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 17 in the Journal. No objections. So ordered.

(1)

AM1510

(Amendments to Final Reading Copy)

1. Insert the following new section:
"Sec. 3. There is hereby appropriated $11,000,000 from the General Fund for the period July 1, 1983, to June 30, 1984, to the State Treasurer, for Program 120. There shall be no expenditures for permanent and temporary salaries and per diems for state employees from funds appropriated in this section. The funds appropriated in this section shall be distributed pursuant to section 77-27,137.01.".
2. Renumber remaining sections accordingly.

(2)

AM1511

(Amendments to Final Reading Copy)

1. Insert the following new section:
"Sec. 3. There is hereby appropriated

$7,000,000 from the General Fund for the period July 1, 1983, to June 30, 1984, to the State Treasurer, for Program 120. There shall be no expenditures for permanent and temporary salaries and per diems for state employees from funds appropriated in this section. The funds appropriated in this section shall be distributed pursuant to section 77-27,137.01.".

2. Renumber remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 336. Considered.

Miss Kilgarin moved to suspend the rules, Rule 6, Sec. 5 and Rule 7, Sec. 3 and vote without further debate and without further amendments on the Beutler amendment to 336.

The motion lost with 19 ayes, 17 nays, 12 present and not voting, and 1 excused and not voting.

Mr. Goodrich asked unanimous consent to withdraw his pending amendment, AM1469 and AM1468, found in the Journal on page 2156. No objections. So ordered.

Mr. Hoagland asked unanimous consent to withdraw his pending amendment, AM1486, found in the Journal on page 2255. No objections. So ordered.

Mr. Hoagland offered the following amendment to the Beutler-Pappas pending amendment, AM1400, referred to in the Journal on page 2113:
AM1509

(Amendments to Beutler/Pappas amendment, AM1400)

1. On page 3, line 14, strike "or device based on chance" and insert "to select winning tickets. Lottery shall not include any gambling scheme which uses any mechanical gaming device, computer gaming device, electronic gaming device, or video gaming device, which has the capability of awarding monetary prizes, free games redeemable for monetary prizes, or tickets or stubs redeemable for monetary prizes".

2. On page 30, line 10, after the period insert "Gambling device shall also include any mechanical gaming device, computer gaming device, electronic gaming device, or video gaming device, which has the capability of awarding monetary prizes, free games redeemable for monetary prizes, or tickets or

stubs redeemable for monetary prizes, except as authorized in the furtherance of parimutuel wagering."; in line 19 after "medium" insert "printed on a disposable ticket, board, or card"; and in line 23 after "value" insert ". Lottery shall not include any gambling scheme which uses any mechanical gaming device, computer gaming device, electronic gaming device, or video gaming device, which has the capability of awarding monetary prizes, free games redeemable for monetary prizes, or tickets or stubs redeemable for monetary prizes".

MR. CLARK PRESIDING

Speaker 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. Hoagland moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Hoagland requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Fenger	Goll
Hoagland	Johnson, L.	Kahle	Kilgarin	Lamb
Landis	Marsh	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Sieck	Vickers	Warner
Withem				

Voting in the negative, 22:

Cullan	DeCamp	Eret	Fowler	Goodrich
Haberman	Hannibal	Hefner	Higgins	Jacobson
Johnson, R.	Johnson, V.	Labedz	Lundy	Morehead
Newell	Pappas	Schmit	Von Minden	Wagner
Wesely	Wiitala			

Present and not voting, 1:

Nichol

The Hoagland amendment to the Beutler-Pappas amendment was adopted with 26 ayes, 22 nays, and 1 present and not voting.

Mr. Chambers asked unanimous consent to withdraw his pending amendment found in the Journal on page 2127 to LB 336. No objections. So ordered.

Mr. Chambers offered the following amendment to the Beutler-Pappas amendment:

Page 11, line 21, after "shares", place semi-colon, strike remaining language through line 23

The Chambers amendment lost with 10 ayes, 12 nays, and 27 present and not voting.

Mr. Chambers offered the following amendment to the Beutler-Pappas amendment:

Page 2, strike lines 15, 16

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Abboud	Beyer	Chambers	Clark	Eret
Fenger	Fowler	Goll	Haberman	Hoagland
Johnson, L.	Kahle	Lamb	Landis	Lundy
Marsh	Morehead	Peterson, H.	Peterson, R.	Pirsch
Remmers	Sieck	Vickers	Warner	

Voting in the negative, 22:

Beutler	Carsten	Cullan	DeCamp	Goodrich
Hannibal	Hefner	Higgins	Jacobson	Johnson, R.
Johnson, V.	Kilgarin	Labedz	Newell	Pappas
Rupp	Schmit	Von Minden	Wagner	Wesely
Wiitala	Withem			

Present and not voting, 3:

Barrett	Chronister	Nichol

The Chambers amendment lost with 24 ayes, 22 nays, and 3 present and not voting.

Mr. Carsten moved to reconsider the Hoagland amendment.

Mr. Carsten asked unanimous consent to withdraw his pending motion to reconsider. No objections. So ordered.

Mr. Hoagland offered the following amendment to the Beutler-Pappas amendment:

AM1478

(Amendments to the Beutler/Pappas Amendments, AM1400)

1. Strike sections 1 to 43, 45, 47, and 48.

2. On page 34, lines 16 and 17, strike the new matter and reinstate the stricken matter; and in lines 20 and 21, strike the new matter.

3. Insert the following new section:

"Sec. 2. That original section 28-1116, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

4. Renumber the remaining sections accordingly.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

Mrs. Higgins requested a record vote on the Hoagland amendment.

Voting in the affirmative, 21:

Abboud	Barrett	Beutler	Chambers	Chronister
Eret	Fenger	Goll	Hoagland	Johnson, L.
Kahle	Lamb	Landis	Marsh	Peterson, H.
Peterson, R.	Pirsch	Remmers	Sieck	Vickers
Wesely				

Voting in the negative, 28:

Beyer	Carsten	Clark	Cullan	DeCamp
Fowler	Goodrich	Haberman	Hannibal	Hefner
Higgins	Jacobson	Johnson, R.	Johnson, V.	Kilgarin
Labedz	Lundy	Morehead	Newell	Nichol
Pappas	Rupp	Schmit	Von Minden	Wagner
Warner	Wiitala	Withem		

Not voting, 0.

The Hoagland amendment lost with 21 ayes, 28 nays, and 0 not voting.

The Chair declared the Call raised.

Mr. Hoagland asked unanimous consent to withdraw his pending amendments, AM1473 and AM1474, found in the Journal on page

2186. No objections. So ordered.

Mr. Carsten offered the following amendment to the Beutler-Pappas amendment:

AM1497

(Amendments to Beutler/Pappas amendments, AM1400)

1. On page 5, strike beginning with "The" in line 6 through the period in line 9.

The Carsten amendment to the Beutler-Pappas amendment was adopted with 26 ayes, 0 nays, and 23 present and not voting.

Miss Kilgarin and Mr. Rupp moved to reconsider the Hoagland amendment.

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Goodrich requested a roll call vote on the Kilgarin-Rupp motion.

Voting in the affirmative, 25:

Beutler	Carsten	Cullan	DeCamp	Eret
Fowler	Goodrich	Haberman	Hefner	Higgins
Johnson, R.	Johnson, V.	Kilgarin	Labedz	Morehead
Newell	Nichol	Pappas	Pirsch	Rupp
Schmit	Von Minden	Wagner	Wesely	Wiitala

Voting in the negative, 24:

Abboud	Barrett	Beyer	Chambers	Chronister
Clark	Fenger	Goll	Hannibal	Hoagland
Jacobson	Johnson, L.	Kahle	Lamb	Landis
Lundy	Marsh	Peterson, H.	Peterson, R.	Remmers
Sieck	Vickers	Warner	Withem	

Not voting, 0.

The Kilgarin-Rupp motion to reconsider prevailed with 25 ayes, 24 nays, and 0 not voting.

The Chair declared the Call raised.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hoagland amendment, AM1509, found in this day's Journal was reconsidered and is presently pending.

Mr. Landis raised a point of order on whether a motion to adopt the Hoagland amendment or a motion to strike the Hoagland amendment is before the Legislature.

The Chair ruled the motion is to adopt the Hoagland amendment.

Mr. Landis challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 5 nays, and 14 not voting.

Mr. Landis requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 17:

Barrett	Beyer	Chronister	Fenger	Goll
Hoagland	Lamb	Landis	Marsh	Peterson, H.
Peterson, R.	Pirsch	Remmers	Sieck	Vickers
Von Minden	Withem			

Voting in the negative, 23:

Cullan	DeCamp	Fowler	Goodrich	Hannibal
Higgins	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kilgarin	Labedz	Lundy	Morehead	Newell
Nichol	Pappas	Rupp	Schmit	Wagner
Warner	Wesely	Wiitala		

Present and not voting, 8:

Abboud	Beutler	Carsten	Chambers	Clark
Eret	Hefner	Kahle		

Excused and not voting, 1:

Haberman

The Landis motion to overrule the Chair lost with 17 ayes, 23 nays, 8

present and not voting, and 1 excused and not voting.

ATTORNEY GENERAL'S OPINION

Opinion No. 113
April 27, 1983

Dear Senator Sieck:

You have requested our opinion concerning certain aspects of LB 233. You first ask whether the language contained in lines 18, 24 and 25 all on page 4 would allow for the ordering of general damages. Line 18 states, ". . . destroyed the property of another." We cannot conceive of a situation in which that language could be used to award general damages. Line 24 and 25 state, "Make such other restitution as the court deems appropriate." The term "restitution" is loosely defined in the law. We believe that it is arguable that a judge could seize upon the questioned language to justify an award of general damages. If such is not the intent of the Legislature then we suggest that the language be clarified.

Your remaining questions concern Section 1(6) of LB 233 which provides:

> The court shall not order restitution as to any victim who is bound by a judgment entered in, or a settlement of, a civil proceeding involving the same injury, obtaining of property, damage, or destruction. Any amount paid to a person pursuant to an order of restitution shall be set off against an amount otherwise recoverable by such person in any civil proceeding or insurance settlement. The fact that restitution was ordered or paid shall not be admissible in evidence in the trial of any civil proceeding.

Regarding this Section you ask, "First, there is some question as to whether or not a judge can reduce a jury award?" The apparent intent of LB 233 is to have the jury consider libility and damages without knowledge of an order of restitution, and then, have the judge determine in a separate proceeding the amount previous paid under the order of restitution and credit such amount against the verdict. We conclude that such a procedure would be constitutionally suspect.

Article I, Section 6, of the Constitution of the State of Nebraska provides:

> The right of trial by jury shall remain inviolate, but the Legislature may authorize trial by jury of a less number than twelve in courts inferior to the District Court, and may by general law authorize a verdict in civil cases in any court by not less than five-sixths of the jury.

It has been held that this Section of the Constitution preserves the right to jury trial as it existed at common law and under statutes in force

when the Constitution was adopted. State v. Hauser, 137 Neb. 138, 288 N.W. 518 (1939); In Re Guardianship of Warner, 137 Neb. 25, 288 N.W. 39 (1939).

The foregoing authorities cast a shadow upon the constitutionality of LB 233. Assume that a person committed acts which gave rise to criminal responsibility, probation and an order of restitution. Also assume that a civil proceeding was brought against the defendant involving the same acts. If the parties would have been entitled to a civil jury trial at the time the constitution was adopted, such a right would continue to exist today. It is axiomatic that the right to a civil jury trial includes the right to have the jury determine damages. A determination of the amount to which the plaintiff stands damaged at the time of trial necessarily includes a determination of the amount the plaintiff has already received from the defendant. We therefore conclude that to deprive the parties of a jury determination of the amount paid in such circumstances would be constitutionally suspect.

You next ask whether the language of Section 1(6) of LB 233 give rise to a possibility of high restitution being awarded in order to preclude parole. In that regard we note that Section 1(7) of the bill requires that restitution ordered by the court be a condition of parole, violation of which is grounds for revocation. Assuming that such a condition can be imposed upon the Board of Parole by the Legislature, then it is possible that under certain conditions the practical effect of an order of restitution would be to preclude parole. For instance, if an order of parole must include restitution, and if failure to comply with an order of restitution is grounds for revocation of parole, and if a person being considered for parole has no means by which to pay restitution, then it is possible that the Board would not consider such a person to be a good condidate for parole.

Finally, you have asked whether additional language is needed in Section 1(6) of LB 233 to be certain that the issue of whether restitution was ordered or paid does not become part of a civil proceeding. Section 1(6) provides, "The fact that restitution was ordered or paid shall not be admissible in evidence in the trial of any civil proceeding." We believe that such language is adequate to express your purpose but note that your purpose may be constitutionally suspect as previously stated in this opinion.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Martel J. Bundy
Assistant Attorney General

MJB:kkh
cc: Patrick J. O'Donnell

Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Messrs. DeCamp and Beutler asked unanimous consent to print the following amendment to LB 17 in the Journal. No objections. So ordered.

AM1495

(Amendments to Final Reading Copy)

1. On page 5, line 4, strike "or custom", and in line 5 strike "programs" and insert "software".

2. On page 21, line 10, strike "and" and show as stricken; in line 25 strike the period, show as stricken, and insert an underscored semicolon; and after line 25 insert the new subdivisions as follows:

"(22) Packaged computer software shall mean all computer software other than custom computer software; and

(23) Custom computer software shall mean (a) software which is prepared to the special order of the customer, (b) prewritten software that is not usable by the customer without modification and the modifications are made by the seller, or (c) prewritten software that is modified so that the operation of the software is materially affected by the modifications.".

MESSAGES FROM THE GOVERNOR

May 17, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative bill 363 was received in my office on May 12, 1983.

This bill was signed by me on May 17, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

May 17, 1983

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

Dear Senators:

I have received engrossed bill LB 363 and have signed the measure into law this date.

The repeal of the sales tax on food is a policy step which I can enthusiastically embrace. It is an issue the Legislature has dealt with since the inception of the sales tax in Nebraska and I am pleased that the matter can be resolved once and for all this session.

Although I have signed LB 363, I must strongly reject the decision made by the Legislature to spend the "windfall" of some eleven million dollars which will occur in fiscal year 83-84 because of the repeal of the sales tax on food and the failure to provide any food tax credit. I urge in the strongest of terms that the Unicameral immediately proceed to adopt an amendment to an available and appropriate bill to provide a food sales tax credit of $7 per person to return the eleven million dollar windfall.

We have come a long way in a remarkable joint effort to solve what was an almost overwhelming problem confronting us at the beginning of the session. It would be a shame to be tempted in the last few days of the Legislature to succumb to the habits of the past years. These habits lead us to reaching for an accepting "stopgap" remedies for ongoing problems. We found that the "band-aid" approach does not work and we must therefore resist spending this one-time windfall revenue thereby adding it to the spending base and creating an even larger problem for us next year.

We all recognize that the eleven million dollars is a "windfall". Let us do the appropriate and right thing by returning this windfall to the taxpayers of this State and resist the temptation to keep it in the State's coffers to spend.

Sincerely,
(Signed) ROBERT KERREY
Governor

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 481A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 481, Eighty-eighth Legislature, First Session, 1983; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 198.

Introduced by Landis, 46th District; Beutler, 28th District; Wesely, 26th District; Marsh, 29th District; Fowler, 27th District; Warner, 25th District.

Whereas, it is a state and national goal to promote the efficient use of our energy resources;

Whereas, The American Public Power Association (APPA) has awarded to the Lincoln Electric System (LES) one of its six 1983 ENERGY INNOVATOR AWARDS;

Whereas, this award recognizes a Nebraska electical utility for exceptional work in the area energy efficiency;

Whereas, this award is given to "...honor local publically owned electric utilities that have made outstanding advances in the development or application of highly creative energy efficient techniques or technologies...";

Whereas, LES was given this national award based on its commitment and work to "...develop and implement a long-term strategy of peak load reduction and resource optimization which is expected to ultimately reduce energy costs for its ratepayers by tens of millions of dollars.";

Whereas, LES was recognized by the national panel of utility, environmental, governmental, and scientific authorities for its pioneering work on 1) research to determine the benefits of reducing annual load growth through conservation and load managment programs, 2) the feasibility and actual sale of surplus generating capacity, and 3) its program of improving the use of generation and transmission facilities through their Load Factor Improvement Program; and

Now, Therefore, Be It Resolved By The Members Of The 88th Legislature, First Session, 1983:

1. That the Legislature congratulates and recognizes the Lincoln Electric System for the honor it has brought to all Nebraskans through this award.

2. That the Legislature recognizes the pioneering work of Walter A. Canney, the Administrator of the Lincoln Electric System and his staff in the area of energy efficiency.

3. That the Legislature recognizes the involvement of the People of Lincoln and the Lincoln Energy Commission in the development of these nationally recognized programs.

Laid over.

LEGISLATIVE RESOLUTION 199.

Introduced by Warner, 25th District.

WHEREAS, Wayne Dale Mickle has devoted seventeen years of his life in the service of the residents of Lancaster County as a member of the Southwest Rural Fire Protection District; and

WHEREAS, Mr. Mickle has served as Assistant Chief of the Southwest Rural Fire Protection District for seven years; and

WHEREAS, Mr. Mickle was an active participant in a number of state and local social, governmental and religious organizations; and

WHEREAS, Mr. Mickle's contributions and commitments to his community and his profession are an inspiration to all Nebraska citizens and will be greatly missed by the members of the Southwest Rural Fire Protection District, residents of the Village of Denton and the people of Lancaster County and the State of Nebraska; and

WHEREAS, Wayne Dale Mickle passed from this life on May 15, 1983.

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

1. That the Legislature acknowledges the many years of dedicated service made by Wayne Dale Mickle to his city and his state.

2. That the members of the Legislature express their warmest sympathy to the firefighters of the Southwest Rural Fire Protection District and members of Mr. Mickle's family with the hope that his many contributions to the Southwest Rural Fire Protection District, the Village of Denton, and the State of Nebraska will service as a special consolation at this time.

3. That a copy of this resolution be presented to Mr. Mickle's wife, Shirley A. Mickle, his children and members of the Southwest Rural Fire Proteciton District.

Laid over.

VISITORS

Visitors to the Chamber were Gretchen Roberts from Hastings; Ruth and Maurice Greene from Boise, Idaho; Lonnie Pierson from Lincoln; 72 sixth grade students and sponsors from Auburn Middle School,

Auburn; 33 Junior High students and teachers from Columbus; 24 fourth grade students, teachers, and sponsors from Lakeview School, Lincoln; and 28 fourth grade students, teachers, and sponsors from Pierce Elementary School, Pierce.

RECESS

At 12:02 p.m., on a motion by Mrs. Higgins, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m, Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mr. Vickers who was exused; and Messrs. Fowler, Landis, Newell, R. Peterson, Withem, Mesdames Higgins, and Labedz who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 336. The Hoagland pending amendment, AM1509, found in this day's Journal was considered.

PRESIDENT MCGINLEY PRESIDING

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?"

Mr. Sieck moved for a Call of the House. The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Mr. Sieck requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 29:

Abboud	Barrett	Beutler	Chronister	Clark
DeCamp	Goodrich	Haberman	Hefner	Hoagland
Jacobson	Johnson, R.	Johnson, V.	Kahle	Labedz
Landis	Lundy	Morehead	Newell	Pappas
Peterson, H.	Peterson, R.	Remmers	Rupp	Sieck
Von Minden	Warner	Wesely	Withem	

Voting in the negative, 14:

Carsten	Chambers	Cullan	Eret	Fenger
Fowler	Goll	Hannibal	Johnson, L.	Kilgarin
Marsh	Pirsch	Schmit	Wiitala	

Present and not voting, 5:

Beyer	Higgins	Lamb	Nichol	Wagner

Excused and not voting, 1:

Vickers

The motion to cease debate prevailed with 29 ayes, 14 nays, 5 present and not voting, and 1 excused and not voting.

Mr. Hoagland requested a roll call vote on his pending amendment.

Voting in the affirmative, 24:

Abboud	Barrett	Chambers	Chronister	Clark
Fenger	Goll	Hannibal	Hoagland	Jacobson
Johnson, L.	Kahle	Kilgarin	Lamb	Landis
Marsh	Morehead	Peterson, H.	Peterson, R.	Pirsch
Remmers	Sieck	Warner	Withem	

Voting in the negative, 23:

Beutler	Carsten	Cullan	DeCamp	Eret
Fowler	Goodrich	Haberman	Hefner	Higgins
Johnson, R.	Johnson, V.	Labedz	Lundy	Newell
Nichol	Pappas	Rupp	Schmit	Von Minden
Wagner	Wesely	Wiitala		

Present and not voting, 1:

Beyer

Excused and not voting, 1:

Vickers

The Hoagland amendment lost with 24 ayes, 23 nays, 1 present and not voting, and 1 excused and not voting.

The Beutler-Pappas pending amendment, AM1400, as amended, was considered.

Mr. Pappas 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. Beutler requested a record vote on the Beutler-Pappas amendment.

Voting in the affirmative, 26:

Beutler	Cullan	DeCamp	Fowler	Goodrich
Haberman	Hannibal	Hefner	Higgins	Johnson, R.
Johnson, V.	Kilgarin	Labedz	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Pirsch
Remmers	Rupp	Schmit	Wagner	Wesely
Wiitala				

Voting in the negative, 21:

Abboud	Barrett	Carsten	Chambers	Chronister
Clark	Eret	Fenger	Goll	Hoagland
Jacobson	Johnson, L.	Kahle	Lamb	Landis
Peterson, H.	Peterson, R.	Sieck	Von Minden	Warner
Withem				

Present and not voting, 1:

Beyer

Excused and not voting, 1:

Vickers

The Beutler-Pappas amendment was adopted with 26 ayes, 21 nays, 1 present and not voting, and 1 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 336.

Pending.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 210 in the Journal. No objections. So ordered.

AM1403

1. Insert the following new sections:

"Sec. 5. Any retirement system established for public employees which utilizes annuity contracts shall provide that a participant in such plan shall receive retirement benefits for any contributions made on and after January 1, 1984, based on the annuity purchase rates in effect on the date of purchase which do not use gender as a factor. For purposes of this section public employee shal mean any person who is employed by the State of Nebraska, an agency, board, commission, or other public body created by the state, or any political subdivision of the state. Public employees shall include, but are not limited to judges, members of the Nebraska State Patrol, employees of the University of Nebraska, employees of the state colleges, employees of technical community colleges, employees of the Division of Employment of the Department of Labor, persons eligible for membership under the school retirement systems established in Chapter 79, articles 10 and 15, and employees of cities and villages.

Sec. 6. Any insurance company as defined in section 44-103 which offers any of the lines of insurance specified in section 44-201 shall not use gender as a factor in determining rates to persons buying such insurance.".

2. Renumber remaining sections accordingly.

(2)

AM1343

1. Strike the Fowler amendment found on page 1220 of the Journal.

2. On page 2, line 4, strike "shall", show as stricken, and insert "may"; in lines 8 and 9 strike the new matter; strike beginning with "if" in line 12 through "dollars" in line 13 and show as stricken; and in line 26 strike "shall", show as stricken, and insert "may".

3. On page 3, lines 2, 3, and 4, strike the new matter; and in line 13 strike "section" and insert "sections" and after "84-1319," insert "and 84-1323.02,".

4. Insert the following new section:

"Sec. 3. That section 84-1323.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

84-1323.02. Any retiring employee ~~whose total retirement benefit~~ entitled to retirement benefits, including both prior and future service benefits, ~~is less than twenty- five dollars per month on the straight life annuity option~~ may elect to receive a lump sum settlement equal to the retirement value in lieu of an annuity.".

SELECT FILE

LEGISLATIVE BILL 336. Mr. Chambers renewed his pending motion to indefinitely postpone.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Mr. Chambers requested a roll call vote on his motion to indefinitely postpone LB 336.

Voting in the affirmative, 26:

Abboud	Barrett	Carsten	Chambers	Chronister
Clark	Eret	Fenger	Goll	Hannibal
Hoagland	Jacobson	Johnson, L.	Kahle	Lamb
Landis	Marsh	Peterson, H.	Peterson, R.	Pirsch
Remmers	Sieck	Von Minden	Warner	Wesely
Withem				

Voting in the negative, 22:

Beutler	Beyer	Cullan	DeCamp	Fowler
Goodrich	Haberman	Hefner	Higgins	Johnson, R.
Johnson, V.	Kilgarin	Labedz	Lundy	Morehead
Newell	Nichol	Pappas	Rupp	Schmit
Wagner	Wiitala			

Excused and not voting, 1:

Vickers

The Chambers motion to indefinitely postpone prevailed with 26 ayes,

22 nays, and 1 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Messrs. Fenger, Lundy, Barrett, Clark, Goll, Remmers, Von Minden, Chambers, R. Peterson, Beyer, H. Peterson, L. Johnson, Lamb, Jacobson, Mesdames Higgins, Labedz, and Pirsch asked unanimous consent to print the following amendment to LB 17 in the Journal. No objections. So ordered.

AM1505

(Amendments to Final Reading Copy)

1. On page 1, line 6 after the semicolon insert "to provide a credit as prescribed;".

2. Insert the following new section:

"Sec. 3. (1) There shall be allowed to resident individuals as a credit against the tax imposed by sections 77-2714 to 77-27,135, a food sales tax credit equal to twenty-one dollars multiplied by the number of allowable personal exemptions claimed for individuals who are residents, exclusive of the extra exemptions allowable for age or blindness. In the event a dependent is claimed as an exemption on a federal return by a nonresident taxpayer who files no return in this state, such dependent resides in this state, and the support claimed by such nonresident taxpayer is substantially spent in this state, the taxpayer in this state who has legal custody of such dependent may claim such food sales tax credit for each such dependent. A refund shall be allowed to the extent that the food sales tax credit exceeds the income tax payable by the resident individual for the taxable year but no refund shall be made in any amount less than two dollars.

(2) No individual who may be claimed as a personal exemption on another individual's return shall be entitled to a food sales tax credit or refund for himself or herself. If a food sales tax credit or refund is claimed on more than one return for the same individual, the Tax Commissioner is authorized to determine the individual entitled to claim the credit or refund provided herein.

(3) Any individual, other than a person who for more than six months of the taxable year is a resident patient or inmate of a public institution or an

organization exempt from tax as a charitable institution, who maintains a permanent place of abode within this state, spending in the aggregate more than six months of the taxable year within this state, shall be conclusively presumed to have paid or paid with respect to such personal exemptions retail sales and use taxes imposed by this state equal to the maximum food sales tax credit allowable.

(4) The credits or refunds for sales taxes allowed by this section shall be claimed on income tax returns or in the case of an individual not having tax liability in this state on such forms or claims for refunds as the Tax Commissioner shall prescribe.

(5) Credits to minors, including any child whose parent or guardian is a recipient of aid to dependent children, shall be claimed by the parent or guardian.

(6) The credit authorized under this section shall be available for taxes paid in 1983 and claimed on a return filed in 1984.

(7) The provisions of this section shall terminate on December 31, 1984.".

3. Renumber remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 200.

Introduced by Lamb, 43rd District.

WHEREAS, the year 1983 marks the one hundredth birthday of Cherry County; and

WHEREAS, Cherry County has been and will continue to be an outstanding county; and

WHEREAS, the citizens of Cherry County deserve special recongition during their centennial celebration which "kicks off" on August 14, 1983 and continues until the Grand Finale on July 4, 1984; and

WHEREAS, Cherry County is the largest county in Nebraska; and

WHEREAS, Cherry County was organized in 1883 and named for Lt. Samuel E. Cherry who gave his life while serving at Fort Niobrara.

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

1. That the Legislature acknowledges the contributions and efforts of those residents, both past and present, who labored and aspired to

make Cherry County successful.

2. That the Legislature congratulates and extends best wishes to the citizens of Cherry County.

3. That the members of the Legislature recognize and commend Cherry County for its one hundredth anniversary.

Laid over.

LEGISLATIVE RESOLUTION 201.

Introduced by Lamb, 43rd District.

WHEREAS, the year 1983 marks the one hundredth birthday of Brown County; and

WHEREAS, Brown County has been and will continue to be an outstanding county; and

WHEREAS, a centennial celebration offers a county a unique opportunity to reflect upon those citizens whose efforts were responsible for its accomplishments; and

WHEREAS, many citizens have contributed to the growth and stability of Brown County in the past one hundred years; and

WHEREAS, Brown County's centennial year will be a time for its citizens to look with pride at their heritage; and

WHEREAS, the citizens of Brown County deserve special recognition during their Centennial Celebration which takes place on June 23 through June 26, 1983.

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

1. That the Legislature acknowledges the contributions and efforts of those residents, both past and present, who labored and aspired to make Brown County successful.

2. That the Legislature extends its best wishes to the current citizens of Brown County who will carry on the positive traditions and heritage of the county, and who are currently pausing from their busy lives to commemorate this special occasion.

3. That the Legislature recognize and commend Brown County for its one hundredth anniversary.

Laid over.

LEGISLATIVE RESOLUTION 202.

Introduced by Lamb, 43rd District.

WHEREAS, the year 1983 marks the one hundredth birthday of

the community of Arnold; and

WHEREAS, Arnold has been and will continue to be an outstanding community; and

WHEREAS, a centennial celebration offers a community a unique opportunity to reflect upon those citizens whose efforts were responsible for its accomplishments; and

WHEREAS, many citizens have contributed to the growth and stability of Arnold in the past one hundred years; and

WHEREAS, Arnold can look forward to a second hundred years of growth and stability through the efforts of its quality citizenship; and

WHEREAS, the citizens of Arnold deserve special recognition during their Centennial Celebration which takes place on July 13 through July 17, 1983; and

WHEREAS, Arnold's centennial year will be a time for its citizens to look with pride at their heritage.

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

1. That the members of the Legislature recognize and commend the community of Arnold for its one hundredth anniversary.

2. That the Legislature congratulates and extends best wishes to the citizens of the Arnold community.

Laid over.

SELECT FILE

LEGISLATIVE BILL 228. E & R amendment, AM5158, found in the Journal on page 2137 for the Eightieth Day was adopted.

Mr. Wesely asked unanimous consent to withdraw his pending amendment, AM1476, found in the Journal on page 2223. No objections. So ordered.

Mr. H. Peterson requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 7 nays, 15 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 447. E & R amendments, AM5159, found in the Journal on page 2137 for the Eightieth Day were adopted.

Mr. Hoagland asked unanimous consent to withdraw his pending amendment, AM1085, found in the Journal on page 1431. No

objections. So ordered.

Mr. V. Johnson offered the following amendment:
AM1518

(Amendments to AM0875)

1. Insert the following new section:

"Sec 42. That section 25-1531, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, LB107, Eighty-eighth Legislature, First Session, 1983, be amended to read as follows:

25-1531. If the court, upon the return of any writ of execution, or order of sale for the satisfaction of which any lands and tenements have been sold, shall, after having carefully examined the proceedings of the officer, be satisfied that the sale has in all respects been made in conformity to the provisions of this chapter and that the said property was sold for fair value, under the circumstances and conditions of the sale, or, that a subsequent sale would not realize a greater amount, the court shall direct the clerk to make an entry on the journal that the court is satisfied of the legality of such sale, and an order that the officer make the purchaser a deed of such lands and tenements. Prior to the confirmation of sale pursuant to this section, the party seeking confirmation of sale shall, except in the circumstances described in section 40-103, provide notice to the debtor informing him or her of the homestead exemption procedure available pursuant to Chapter 40, article 1. The notice shall be given by certified mailing at least ten days prior to any hearing on confirmation of sale. The officer on making such sale may retain the purchase money in his or her hands until the court shall have examined his or her proceedings as aforesaid, when he or she shall pay the same to the person entitled thereto, agreeable to the order of the court. If such sale pertains to mortgaged premises being sold under foreclosure proceedings and the amount of such sale is less than the amount of the decree rendered in such proceedings, the court may refuse to confirm such sale, if, in its opinion, such mortgaged premises have a fair and reasonable value equal to or greater than the amount of the decree. The court shall in any case condition the confirmation of such sale upon such terms or under such conditions as may be just and equitable. The judge of any district

court may confirm any sale at any time after such officer has made his or her return, on motion and ten days' notice to the adverse party or his or her attorney of record, if made in vacation and such notice shall include information on the homestead exemption procedure available pursuant to Chapter 40, article 1. When any sale is confirmed in vacation the judge confirming the same shall cause his or her order to be entered on the journal by the clerk. Upon application to the court by the judgment debtor within sixty days of the confirmation of any sale confirmed pursuant to this section, such sale shall be set aside if the court finds that the party seeking confirmation of sale failed to provide notice to the judgment debtor regarding homestead exemption procedures at least ten days prior to the confirmation of sale as required by this section.".

2. On page 125, line 12, strike "and"; and in line 15 after the second comma insert "and section 25-1531, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, LB107, Eighty-eighth Legislature, First Session, 1983,".

3. Renumber remaining sections and correct internal references accordingly.

The amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Mr. Chambers offered the following amendment:

Amend committee amendment to LB 447 - Repeal the Schmit Amendment in LB 617 - sections 3, 4, 5, 6, 7, 31, 33 - First Session 1983

Mr. Schmit requested a ruling of the Chair on whether the Chambers amendment is germane to the bill.

The Chair ruled the amendment not germane to the bill.

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Chambers moved for a Call of the House. The motion prevailed with 18 ayes, 2 nays, and 29 not voting.

Mr. Chambers requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 11:

Chambers	Fowler	Haberman	Hannibal	Higgins
Kahle	Morehead	Newell	Pirsch	Sieck
Von Minden				

Voting in the negative, 34:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Goodrich	Hefner	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	Nichol
Pappas	Peterson, R.	Remmers	Rupp	Schmit
Wagner	Warner	Wesely	Withem	

Present and not voting, 3:

Goll	Peterson, H.	Wiitala

Excused and not voting, 1:

Vickers

The Chambers motion to overrule the Chair lost with 11 ayes, 34 nays, 3 present and not voting, and 1 excused and not voting.

The Chair was sustained.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 632. Title read. Considered.

Mr. Warner asked unanimous consent to withdraw the Standing Committee amendments, AM1488, found in the Journal on page 2256 for the Eighty-Second Day. No objections. So ordered.

Mr. Warner asked unanimous consent to withdraw his pending amendment found in the Journal on page 1691 and AM1489, found in the Journal on page 2255. No objections. So ordered.

Advanced to E & R for Review with 30 ayes, 2 nays, 16 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 632A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 5 nays, 15 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 531. Title read.

Standing Committee amendments, AM1471, found in the Journal on page 2200 for the Eighty-First Day were considered.

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendments were adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Kahle asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

ANNOUNCEMENT

Mr. V. Johnson announced there will be an Executive Board meeting tomorrow, May 18, 1983, at 1:30 p.m. in Room 2102 to consider the Committees' priority listings and refer LR 197.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 615 in the Journal. No objections. So ordered.

1. Add the following new section:

"Sec. ____. The State Treasurer is hereby directed to transfer fifty thousand dollars from the Nebraska Energy Resource Fund to the General Fund on or before June 1, 1984."

2. Renumber original sections accordingly.

MESSAGES FROM THE GOVERNOR

May 17, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 269 was received in my office on May 16, 1983.

This bill was signed by me on May 17, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

May 17, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 617 was received in my office on May 13, 1983.

This bill was signed by me on May 17, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

May 17, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 213, 213A, 469, 607, 234, 234A, 200, 200A, 204, 204A, 571, 571A, 302, 302A, 35, 35A, 608, 439, 439A, 198,

178 and 178A were received in my office on May 12, 1983.

These bills were signed by me on May 17, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 615 in the Journal. No objections. So ordered.

1. In the Standing Committee amendments to LB 615 (AM1260), on page 3, in line 4, strike "76,754,610" and insert "76,800,208"; in line 5, strike "17,405,420" and insert "17,592,361"; in line 6, strike "151,473,728" and insert "152,746,548"; in line 7, strike "245,633,758" and insert "247,139,117"; in line 12, strike "76,754,610" and insert "76,800,208"; in line 13, strike "17,405,420" and insert "17,592,361"; and in line 14, strike "151,473,728" and insert "152,746,548".

2. In the Standing Committee amendments to LB 615 (AM1260), on page 5, in line 13, strike "42,103,386" and insert "42,453,472"; in line 14, strike "17,294,997" and insert "17,462,273"; in line 15, strike "92,328,574" and insert "90,877,283"; and in line 16, strike "151,726,957" and insert "150,793,028".

3. In the Standing Committee amendments to LB 615 (AM1260), on page 7, in line 10, strike "93,364,469" and insert "93,410,067"; in line 11, strike "17,534,552" and insert "17,721,493"; in line 12, strike "176,285,403" and insert "177,558,223"; and in line 13, strike "287,184,424" and insert "288,689,783".

GENERAL FILE

LEGISLATIVE BILL 27. Title read. Considered.

Mr. Hefner asked unanimous consent to have his name added as co-introducer to LB 27. No objections. So ordered.

Standing Committee amendments, AM0400, found in the Journal on page 606 for the Thirtieth Day were considered.

Mr. Hefner offered the following amendment to the Standing Committee amendments.

(Amendment to Committee Amendment)

1. Strike the Committee Amendment and

Insert the following new section:

"Sec. 2. That section 77-2734, Revised Statutes Supplement, 1982, be amended to read as follows:

77-2734. (1) A tax is hereby imposed for each taxable year on the taxable income derived from sources within this state of any corporation or any other entity taxed as a corporation under the Internal Revenue Code whose business within this state during the taxable year consists exclusively of foreign commerce, interstate commerce, or both, at a rate equal to twenty-five per cent of the rate imposed on individuals under section 77-2715 on the first fifty thousand dollars of taxable income, and at the rate of thirty-five per cent of such rate on all taxable income in excess of fifty thousand dollars, except that for taxable year 1983 the rates shall be four and one half per cent on the first fifty thousand dollars of taxable income and six and three- tenths per cent on all taxable income in excess of fifty thousand dollars. For any taxpayer subject to this section whose fiscal year does not coincide with the calendar year, the rate initially set shall also apply for the period from January 1, 1968, to the last day of its then current fiscal year.

(2) Except as provided in subsection (1) of this section, for the privilege of exercising its franchise or doing business in this state in a corporate capacity, there is hereby imposed a franchise tax on each corporation or any other entity taxed as a corporation under the Internal Revenue Code according to or measured by its entire net income derived from all sources within this state for the taxable year at the rates imposed under subsection (1) of this section. For the purposes of this subsection the taxpayer's entire net income shall be its federal taxable income derived from sources within this state as determined pursuant to sections 77-2735 to 77-2749 without regard to the modification referred to in section 77-2741, the State of Nebraska hereby adopting method numbered (4) authorized by section 5219, United States Revised Statutes, as amended, 12 USC 548, for state taxation of national banking associations. The tax imposed by this subsection on national banking associations shall be in lieu of all taxes imposed by this state on national banking associations to the extent it is not permissible

to tax such associations under federal law. For the purpose of computing the franchise or income tax levied in this section, the net income of cooperative organizations shall be the entire net income derived from all sources within this state, excluding distributions of earnings and profits of the cooperative to members or patrons such as dividends paid on capital stock, nonpatronage income allocated to patrons, or patronage dividends attributable to this state as shall be excludable or deductible by such corporation for federal income tax purposes. All provisions of sections 77-2714 to 77-27,124 relating to taxation of corporations shall apply to franchise taxes or income taxes imposed under this section unless the context requires otherwise.

Any (a) corporation subject to tax under section 44-1213, 77-908, 77-909, or 81-523, (b) corporations organized as cooperatives under Chapter 21, article 13, (c) electric cooperatives organized under Chapter 70, article 7, (d) nonstock cooperative marketing companies organized under Chapter 21, article 14, (e) savings and loan associations, (f) production credit associations, (g) persons licensed to engage in this state in the business of purchasing installment paper, (h) installment loan companies, (i) credit unions, (j) mutual investment companies, (k) banks for cooperatives, and (l) industrial loan and investment companies, shall be credited, in the computation of tax due under the provisions of this section, with the amount paid during the taxable year as taxes in lieu of intangible tax.

(3)(a) A small business corporation having an election in effect under subchapter S of the Internal Revenue Code shall not be subject to the Nebraska income tax or franchise tax on corporations.

(b) The shareholders of such corporation who are residents of Nebraska shall include in their incomes their proportionate share of such corporation's federal taxable income.

(c) If any shareholder of such corporation is a nonresident during any part of the corporation's taxable year, he or she shall file a Nebraska income tax return and shall include in Nebraska adjusted gross income that portion of the corporation's Nebraska income, as determined under the provisions of sections

77-2735 to 77-2749, allocable to his or her interest in the corporation. He or she shall execute and forward to the corporation, before the original due date of the Nebraska corporate return, an agreement which states that he or she will file a Nebraska income tax return and pay income tax on all income derived from or connected with sources in this state, and such agreement shall be attached to the corporation's Nebraska return for such taxable year.

(d) In the absence of the nonresident shareholder's executed agreement being attached to the Nebraska corporate return, the corporation shall remit a portion of his or her share of the corporation's taxable income which was derived from or attributable to this state, which portion shall be ten per cent of the nonresident shareholder's share of the corporation's income which was derived from or attributable to sources within this state.

(e) The Tax Commissioner may require a nonresident shareholder to file a Nebraska income tax return even though his or her only source of Nebraska income was his or her share of the corporation's income which was derived from or attributable to sources within this state, and the amount of remittance by the corporation on behalf of such nonresident shareholder shall be allowed as a credit against his or her Nebraska income tax liability.".

2. On page 7, line 13, strike "section" and insert "sections" and after "77-2715.01" insert "and 77-2734"; and in line 14 strike "is" and insert "are".

3. Renumber remaining sections accordingly.

Mr. V. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Rupp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

Mrs. Higgins asked unanimous consent to be excused. No objections. So ordered.

The Hefner amendment to the Standing Committee amendments was adopted with 24 ayes, 9 nays, 12 present and not voting, and 4 excused and not voting.

Mr. Newell offered the following amendment to the Standing Committee amendments:
AM1514

(Amendments to the Standing Committee Amendments)

1. On page 1, line 7, strike "twenty- three and sixty- eight" and insert "thirty- five and fifty- two"; in lines 9 and 10 strike "thirty- three and sixteen" and insert "forty- nine and seventy- four"; in line 13 strike "twenty- two and five" and insert "thirty- three and eight"; in lines 15 and 16 strike " us onthirty-one and five" and insert "forty- six and fifty- eight"; in line 19 strike "twenty- one and forty- three" and insert "thirty- two and fifteen"; and in line 21 strike "thirty" and insert "forty- five".

Pending.

VISITORS

Visitors to the Chamber were Mrs. Helen Arnold from Dorchester; David Muff from Crete; 16 students and adults from St. Paul's Lutheran School, Omaha; and 25 students and teachers from St. Peter and Paul's, Seneca, Kansas.

ADJOURNMENT

Miss Kilgarin moved to adjourn. The motion prevailed with 14 ayes, 11 nays, and 24 not voting and at 5:18 p.m., on a motion by Miss Kilgarin, the Legislature adjourned until 8:30 a.m., Wednesday, May 18, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-FIFTH DAY - MAY 18, 1983

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

EIGHTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 18, 1983

Pursuant to adjournment, the Legislature met at 8:32 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Rev. Vernon Jacobs, Holy Cross Lutheran Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Vickers who was excused; and Messrs. Beyer, Fowler, Haberman, Hannibal, Hoagland, V. Johnson, Landis, Newell, Rupp, Schmit, Warner, Miss Kilgarin, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Fourth Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 114
May 17, 1983

Dear Senator Hoagland:

This letter is in response to your inquiry of May 12, 1983 regarding the amended version of LB 371.

The bill, as amended, appears to cure due process problems caused by the previously indefinite hearing time frame. Section Three of the amendment provides for an expeditious determination of the case, which is particularly important when children are involved.

The notice problems raised by Opinion 89 have been addressed by the subsequent amendment as well. The phrase "as such failure is

certified to the court..." appears to solve previously voiced notice concerns. Adequate provisions seem to be made for the determination of nonpayment of child support and the transmittal of that information to the court, therefore, probable cause for the issuance of a warrant could be found under the provisions of the measure. This is particularly true in light of the hearing provisions of the bill.

Section Five of the amendment borrows its certification language from Neb.Rev.Stat. §42-358 (Reissue 1978). Does this language imply that the two provisions, §42-358 and §42-358.02, are to be read together in determining remedies? Or will the two measures provide separate and independent remedies for contempt? These questions, raised by Opinion 89, remain unanswered by the amended version of the bill. Since the contempt proceedings in §42-358 are to be filed and heard in accordance with rules applicable to other civil contempt proceedings, most, if not all procedural gaps would be filled by a concurrent reading.

As for the administrative workability of the measure, it would appear that since the mechanical parts of the process are already in place, workability would entail only a reallocation of resources, rather than a total reorganization of the program. This is for the most part an unresearched opinion, due to the time constraints placed on us by the final reading date. In talking with counsel at the Department of Welfare who have had practical experience in the administration of child support, this view of minimal change was affirmed. The only changes that could conceivably cause problems would be those that allow the County Attorney to appoint an attorney from outside his or her office to process child support cases, a tailoring of Neb. Rev.Stat. §43-512. Again, it was stressed that such changes would not be major or cause problems other than those of administrative reallocation.

We do not foresee problems with due process or notice issues that were raised in Opinions 82 and 89. LB 371, as amended, provides a framework of procedure that fulfills basic constitutional requirements and is for that reason constitutionally sound.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Royce N. Harper
Assistant Attorney General

RNH:lmb
cc: Patrick J. O'Donnell
Clerk of the Legislature

REPORT

Received quarterly report from Department of Roads for Nebraska State Highway Commission as of March, 1983.

MOTION - Approve Appointments

Mr. Fenger moved the adoption of the report of the Public Health and Welfare Committee for the following Governor appointments found in the Journal on page 2263: Martin Huff, Rod Tompkins, Joe Rogers, Tim Lynch - Manufactured Housing Advisory Board; Ron Cope - Advisory Committee on Public Welfare, Institutions and Corrections; Ron Jensen - Director, Department of Institutions; Dr. John P. Murray - Foster Care Review Board.

Voting in the affirmative, 28:

Abboud	Barrett	Beutler	Carsten	Chronister
Clark	Cullan	Fenger	Goll	Goodrich
Hefner	Higgins	Johnson, L.	Johnson, R.	Kahle
Lamb	Lundy	Marsh	Morehead	Nichol
Pappas	Peterson, R.	Sieck	Von Minden	Wagner
Wesely	Wiitala	Withem		

Voting in the negative, 0.

Present and not voting, 7:

Chambers	DeCamp	Eret	Jacobson	Labedz
Peterson, H.	Remmers			

Excused and not voting, 14:

Beyer	Fowler	Haberman	Hannibal	Hoagland
Johnson, V.	Kilgarin	Landis	Newell	Pirsch
Rupp	Schmit	Vickers	Warner	

The appointments were confirmed with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 198. Read. Considered.

LR 198 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 199. Read. Considered.

LR 199 was adopted with 27 ayes, 0 nays, and 22 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 32. With Emergency.

A BILL FOR AN ACT to amend sections 59-801, 59-802, 59-805, 59-815, and 59-825, Reissue Revised Statutes of Nebraska, 1943, relating to unlawful restraint of trade; to change penalties; to provide the Attorney General with certain powers and duties as prescribed; to provide for the recovery of damages 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:

Abboud	Barrett	Beutler	Chambers	Chronister
Clark	Cullan	DeCamp	Eret	Fenger
Fowler	Goll	Goodrich	Haberman	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Nichol	Pappas
Peterson, H.	Peterson, R.	Remmers	Schmit	Sieck
Von Minden	Wagner	Warner	Wesely	Wiitala
Withem				

Voting in the negative, 0.

Present and not voting, 1:

Carsten

Excused and not voting, 7:

Beyer	Hannibal	Johnson, V.	Newell	Pirsch
Rupp	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 215. With Emergency.

A BILL FOR AN ACT relating to insurance; to prohibit certain financial interests in title insurance companies and agents; to define terms; to provide duties; to provide penalties and remedies; to provide exceptions to the restriction; to amend section 44-1902, Reissue Revised Statutes of Nebraska, 1943; to harmonize provisions; to provide for severability; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 28:

Abboud	Carsten	Chambers	Chronister	Cullan
Eret	Fowler	Goll	Goodrich	Haberman
Hefner	Higgins	Jacobson	Kahle	Kilgarin
Labedz	Lundy	Marsh	Morehead	Newell
Nichol	Pappas	Rupp	Schmit	Sieck
Wesely	Wiitala	Withem		

Voting in the negative, 14:

Barrett	Beutler	Clark	Fenger	Johnson, L.
Johnson, R.	Landis	Peterson, H.	Peterson, R.	Pirsch
Remmers	Von Minden	Wagner	Warner	

Present and not voting, 3:

DeCamp	Hoagland	Lamb

Excused and not voting, 4:

Beyer	Hannibal	Johnson, V.	Vickers

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 28:

Abboud	Chambers	Chronister	Cullan	DeCamp

Eret	Fowler	Goll	Goodrich	Haberman
Hefner	Higgins	Johnson, V.	Kahle	Kilgarin
Labedz	Lundy	Marsh	Morehead	Newell
Nichol	Pappas	Rupp	Schmit	Sieck
Wesely	Wiitala	Withem		

Voting in the negative, 16:

Barrett	Beutler	Carsten	Clark	Fenger
Johnson, L.	Johnson, R.	Lamb	Landis	Peterson, H.
Peterson, R.	Pirsch	Remmers	Von Minden	Wagner
Warner				

Present and not voting, 2:

Hoagland Jacobson

Excused and not voting, 3:

Beyer Hannibal Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

MOTION - Return LB 224 to Select File

Mr. Beutler moved to return LB 224 to Select File for the following specific amendment:

Add the following language after the word "delinquent" in line 8, page 10: "but in no event more than 25% of the change."

The motion to return prevailed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 224. The Beutler specific amendment found in this day's Journal was adopted with 33 ayes, 0 nays, 13 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 253.

A BILL FOR AN ACT to amend sections 60-509 and 60-534, Reissue Revised Statutes of Nebraska, 1943, and section 60-501, Revised Statutes Supplement, 1982, relating to motor vehicles; to redefine terms; to increase required insurance policy limits; 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, 42:

Abboud	Barrett	Beutler	Carsten	Chambers
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Fowler	Goodrich	Haberman	Hefner
Higgins	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Rupp
Schmit	Von Minden	Wagner	Warner	Wesely
Wiitala	Withem			

Voting in the negative, 0.

Present and not voting, 4:

Goll	Hoagland	Remmers	Sieck

Excused and not voting, 3:

Beyer	Hannibal	Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 327. With Emergency.

A BILL FOR AN ACT relating to power districts and corporations; to provide a provision relating to the acquisition of certain facilities and lines 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:

Abboud	Barrett	Beutler	Carsten	Chambers
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Von Minden	Wagner	Warner	Wesely	Wiitala
Withem				

Voting in the negative, 0.

Excused and not voting, 3:

Beyer	Hannibal	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 356 to Select File

Mr. Haberman moved to return LB 356 to Select File for the reoffered specific amendment, AM1368, found in the Journal on page 2033.

The motion to return prevailed with 33 ayes, 2 nays, 11 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 356. The Haberman specific amendment, AM1368, found in the Journal on page 2033 was adopted with 30 ayes, 2 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 356 to Select File

Mr. Beutler moved to return LB 356 to Select File for the following specific amendment:
AM1502

(Amendments to Final Reading Copy)

1. On page 46, line 14, strike the

underscored semicolon; strike beginning with "If" in line 17 through the first comma in line 20, show the old matter as stricken, and insert "In addition, the person, or if such person is a corporation"; in line 20 after corporation insert an underscored comma and strike ", in"; and in line 21 strike the new matter.

2. On page 47, line 12, strike the underscored semicolon; in line 15 strike "If" and insert "In addition, the person, or if"; strike beginning with "and" in line 15 through "regulation," in line 17; and in line 18 after "corporation" insert an underscored comma and strike ", in addition,".

The motion to return prevailed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 356. The Beutler specific amendment found in this day's Journal was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 356 to Select File

Mr. Beutler moved to return LB 356 to Select File for the following specific amendment:

to amend the Haberman amendment by adding the following language after the word "income" in line 24 on page 2036 of the Journal: "prior to the term of office"

The motion to return prevailed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 356. The Beutler specific amendment found in this day's Journal was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Pass Over LB 388

Mr. Wiitala asked unanimous consent to pass over LB 388. No

objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 451. With Emergency.

A BILL FOR AN ACT to amend sections 18-1614, 18-1615, 18-1617, and 18-1618, Reissue Revised Statutes of Nebraska, 1943, relating to industrial financing; to define and redefine terms; to provide financing for the development of blighted areas; to change provisions relating to revenue bonds; 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?' "

Mr. Newell requested a roll call vote.

Voting in the affirmative, 35:

Chronister	Cullan	DeCamp	Eret	Fenger
Fowler	Goll	Goodrich	Haberman	Hannibal
Hefner	Higgins	Hoagland	Johnson, L.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Wiitala	Withem

Voting in the negative, 12:

Abboud	Barrett	Beutler	Carsten	Chambers
Clark	Jacobson	Johnson, R.	Von Minden	Wagner
Warner	Wesely			

Excused and not voting, 2:

Beyer	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 472. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-1,132.14, 71-1,132.20, 71-1,132.29, 71-1,132.49, 71-1724, and 81-197, Reissue Revised Statutes of Nebraska, 1943; to provide a statement of purpose for the Board of Nursing; to change provisions relating to examinations; to provide for biennial license renewal; to change provisions relating to licensing and certification; to change certain fees; to eliminate a provision which terminates the Board of Nursing; to eliminate certain provisions relating to violations; to eliminate provisions on assistance grants; to repeal the original sections, and also sections 71-1,132.30 to 71-1,132.34, and 71-1,132.44 to 71-1,132.46, 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, 47:

Abboud	Barrett	Beutler	Carsten	Chambers
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Von Minden	Wagner	Warner	Wesely
Wiitala	Withem			

Voting in the negative, 0.

Excused and not voting, 2:

Beyer 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 494. With Emergency.

A BILL FOR AN ACT to amend sections 77-202.03, 77-3510, 77-3511, 77-3514, 77-3523, and 77-3525, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to change exemption provisions relating to certain personal property; to provide for the transfer of

homestead exemptions as prescribed; to provide for application forms; to change notice requirements; to disallow exemptions as prescribed; 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, 46:

Abboud	Barrett	Beutler	Carsten	Chambers
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Von Minden	Wagner	Warner	Wesely	Wiitala
Withem				

Voting in the negative, 0.

Present and not voting, 1:

Johnson, V.

Excused and not voting, 2:

Beyer 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 619.

A BILL FOR AN ACT to amend section 77-2716, Reissue Revised Statutes of Nebraska, 1943, and section 77-2734, Revised Statutes Supplement, 1982, relating to revenue and taxation; to change a provision relating to income tax adjustments as prescribed; to define terms; to change provisions relating to the franchise tax as prescribed; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law

relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Kahle	Labedz	Lamb
Landis	Lundy	Marsh	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Sieck	Von Minden
Wagner	Warner	Wesely	Wiitala	Withem

Voting in the negative, 1:

Kilgarin

Present and not voting, 2:

Eret Johnson, V.

Excused and not voting, 1:

Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 621. With Emergency.

A BILL FOR AN ACT to make appropriations for the payment of certain claims against the state; to provide how payments shall be made; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Eret	Fenger	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson

Johnson, L.	Johnson, R.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Sieck	Von Minden
Wagner	Warner	Wesely	Wiitala	Withem

Voting in the negative, 0.

Present and not voting, 3:

Fowler	Johnson, V.	Morehead

Excused and not voting, 1:

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 17 to Select File

Messrs. DeCamp and Beutler moved to return LB 17 to Select File for their specific amendment, AM1495, found in the Journal on page 2313.

Mr. Sieck 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 requested a roll call vote on the motion to return.

Voting in the affirmative, 26:

Abboud	Barrett	Beutler	Beyer	Chronister
Clark	DeCamp	Eret	Fenger	Goll
Goodrich	Haberman	Jacobson	Johnson, L.	Johnson, R.
Kahle	Lamb	Nichol	Pappas	Peterson, H.
Peterson, R.	Remmers	Schmit	Von Minden	Warner
Wesely				

Voting in the negative, 22:

Carsten	Chambers	Cullan	Fowler	Hannibal
Hefner	Higgins	Hoagland	Johnson, V.	Kilgarin
Labedz	Landis	Lundy	Marsh	Morehead
Newell	Pirsch	Rupp	Sieck	Wagner

Wiitala Withem

Excused and not voting, 1:

Vickers

The motion to return prevailed with 26 ayes, 22 nays, and 1 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 32, 253, 327, 451, 472, 494, 619, and 621.

SELECT FILE

LEGISLATIVE BILL 17. The DeCamp-Beutler specific amendment, AM1495, found in the Journal on page 2313 was adopted with 25 ayes, 19 nays, 4 present and not voting, and 1 excused and not voting.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mrs. Higgins requested a machine vote on the advancement of the bill.

Advanced to E & R for Re-Engrossment with 36 ayes, 1 nay, 11 present and not voting, and 1 excused and not voting.

MESSAGE FROM THE GOVERNOR

May 18, 1983

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

Dear Senators:

I am herewith returning L.B. 628 and L.B. 630 with my signature but with certain line-item veto reductions.

In total, I am vetoing 13 million dollars from both of the measures

reducing the General Fund budget to 744 million dollars. To accomplish this I have eliminated funds for an employee salary increase as well as reduced the operations increase included by the Appropriations Committee. These two items alone account for 9.6 million dollars of the reduction. A summary of the specific reductions is attached.

Although I expect and welcome thorough debate of these vetoes, I ask that we not lose sight of what is included in this budget. The adoption of my budget recommendations at this point will require Nebraska's taxpayers to invest 744 million dollars in their State Government for fiscal year 83-84. That is a sizeable commitment. We can be confident that this commitment will provide substantial resources to carry out the legitimate functions of this State Government.

By accepting these recommendations, we will have accomplished the goal set out at the beginning of the session to solve our budget problems this year. With very few exceptions, we have not postponed the difficult decisions until next year. As a result we have laid a firm foundation and base for serious and legitimate policy discussions next year in a non-crisis and sound financial atmosphere.

While these reductions may be viewed by some as harsh, they are necessary and consistent with a prudent and sound fiscal policy, and they deserve to be sustained by the Unicameral.

Sincerely,
(Signed) ROBERT KERREY
Governor

Attachments

Budget

Current Budget*		$756,344,618
Plus: County Welfare Takeover		773,469
		$757,118,087
Less: Reductions		
1. Eliminate Salary Increase		
University		$3,801,299
State Colleges		560,480
State Agencies		3,006,517
		7,368,296
2. Eliminate Appropriations Committee % Operating Increases		
University		$ 784,644
Other		1,474,572
		2,259,216
3. Reduce Tech. Colleges to April 21 Recommendation		262,367
4. Legislative Council Reduction		300,000

5.	Policy Research Office Addition	50,000
6.	Drivers Education Aid	1,236,287
7.	Revenue—Property Tax Field Staff	200,000
8.	University—Med Center Incin.	436,524
9.	Vet College—Fund @ $275,000	552,000
10.	Civil Air Patrol Aid	25,568
11.	Crime Comm.—Omaha Vic. Center	39,739
12.	Ed. Lands & Funds—New Truck	16,000
13.	Foster Care Review Board—Additional Staff	39,330
14.	Historical Society—Additional Staff	40,000
15.	Summit Lake Addition	43,578
16.	Educ.—Tuition Payments Add.	5,375
17.	Economic Development—Addition	125,000
		(12,999,280)
Revised Budget		$744,118,807

*Includes:	
Medicaid Deficit	$1,345,951
Health Insurance	4,472,310
Claims Bill	266,347
Motor Vehicle Ab. Fee	(99,250)
License Plates	(773,309)

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 215.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Unbracket LB 618

Mr. Warner asked unanimous consent to unbracket LB 618. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 215.

UNANIMOUS CONSENT - Withdraw Amendment to LB 17

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM1491, printed separate from the Journal and referred

to on page 2267. No objections. So ordered.

MOTION - Return LB 17 to Select File

Mr. DeCamp moved to return LB 17 to Select File for his pending specific amendment (1), AM1510, found in the Journal on page 2304.

Mr. Newell requested a record vote on the DeCamp motion to return.

Voting in the affirmative, 9:

DeCamp	Fowler	Goodrich	Higgins	Hoagland
Newell	Pappas	Wesely	Wiitala	

Voting in the negative, 37:

Barrett	Beutler	Beyer	Carsten	Chambers
Clark	Cullan	Eret	Fenger	Goll
Haberman	Hannibal	Hefner	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	Morehead
Nichol	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Von Minden	Wagner
Warner	Withem			

Present and not voting, 2:

Abboud	Chronister

Excused and not voting, 1:

Vickers

The DeCamp motion to return lost with 9 ayes, 37 nays, 2 present and not voting, and 1 excused and not voting.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM1511, found in the Journal on page 2304 to LB 17. No objections. So ordered.

Mrs. Labedz moved to return LB 17 to Select File for the Labedz et al pending amendment, AM1505, found in the Journal on page 2322.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 10 nays, and 27 not voting.

Mr. Cullan requested a ruling of the Chair on whether the Labedz et al amendment is germane to the bill.

Pending.

VISITORS

Visitors to the Chamber were 19 fifth grade students and teacher from Mead; and 37 seventh grade students, teacher, and sponsor from Trinity Lutheran School, Grand Island.

RECESS

At 12:00 noon, on a motion by Mr. Haberman, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mr. Vickers who was excused; and Mrs. Pirsch, Messrs. Abboud, Goodrich, Hoagland, V. Johnson, Landis, Newell, Schmit, Von Minden, and Wesely who were excused until they arrive.

ATTORNEY GENERAL'S OPINION

Opinion No. 115
May 18, 1983

Dear Senator Warner:

On previous occasions we have responded to questions you have had concerning currently pending legislation involving the placement of logo signs upon the state highway right-of-way. On those previous occasions we have been of the opinion that it would be violative of provisions of the Nebraska Constitution to expend public funds for these purposes. On those occasions we were not called upon to address the question of whether or not even absent the expenditure of public funds there would be a constitutional impediment to the Legislature authorizing the placement of these signs on the state highway right-of-way, a question you now raise.

On those previous occasions we concerned ourself with the question of whether or not the expenditure of these funds was for a

public purpose and generally concluded that it was not thereby creating the unconstitutionality. Absent the expenditure of public funds, we are still faced with the question of whether or not such an activity would constitute the granting to any corporation, association or individual any special or exclusive privilege in violation of Article III, Section 19 of the Constitution of the State of Nebraska. It would appear to us that permitting some purveyors of gasoline lodging, etc. to essentially advertise in the state right-of-way to the exclusion of others would clearly violate this section even if doing so arguably could advance a valid public purpose.

With respect to the concept of attempting to accomplish this without the expenditure of public funds we also generally question how such in reality could be actually accomplished. In addressing the question of expenditure of public funds we do not mean to limit our concerns to factual situations wherein public funds are spent directly, but we are also concerned with the constitutionality of a plan wherein state employees would be utilized directly or indirectly in accomplishing this task or where existing signs paid for at public expense would be utilized.

Therefore in conclusion, we fail to see how the placement of private logos in the state highway right-of-way could be accomplished without at least the indirect expenditure of public funds, a situation we have previously found to be constitutionally objectionable and further we believe that even if such could be accomplished, the mere fact that only those companies located near the highway would be permitted to participate would cause such a statute to be invalid as being violative of the prohibitions of Article III, Section 18 discussed above.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:kkh
cc: Patrick J. O'Donnell
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 254.

Correctly Engrossed

The following bill was correctly engrossed: 618.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 254
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0118

1. On page 2, line 4, after the semicolon "to change a penalty;" has been inserted after the semicolon.

2. On page 13, line 18, "or" has been stricken.

3. On page 23, line 2, "and meeting" has been stricken, shown as stricken, and "who meet" inserted.

4. On page 31, line 24, "this act" has been stricken and "the Emergency Medical Technician-Paramedic Act" has been inserted.

5. On page 32, line 16, "shall operate or profess" has been stricken and "operates or professes".

6. On page 39, line 23, after the underscored comma "and" has been inserted.

(Signed) Tristi J. Wilson
E & R Attorney

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 18, 1983, at 11:35 a.m., were the following bills: 32, 215, 253, 327, 451, 472, 494, 619, and 621.

(Signed) Jan Loder, Enrolling Clerk

MOTION - Return LB 17 to Select File

Mr. Cullan renewed his request of a ruling of the Chair on whether the Labedz et al amendment, AM1505, found in the Journal on page 2322 to LB 17 is germane to the bill.

The Chair ruled the amendment not germane to the bill.

Mr. DeCamp challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 10 nays, and 21 not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 5 nays, and 17 not voting.

Mr. Cullan requested a roll call vote on the motion to overrule the Chair.

Voting in the affirmative, 28:

Abboud	Barrett	Beyer	Chambers	Chronister
Clark	DeCamp	Eret	Fenger	Goll
Goodrich	Haberman	Hefner	Higgins	Jacobson
Johnson, L.	Johnson, V.	Labedz	Lamb	Morehead
Pappas	Peterson, H.	Peterson, R.	Remmers	Schmit
Von Minden	Wagner	Wesely		

Voting in the negative, 14:

Beutler	Cullan	Hannibal	Johnson, R.	Kahle
Kilgarin	Landis	Lundy	Marsh	Newell
Rupp	Sieck	Warner	Wiitala	

Present and not voting, 5:

Carsten	Fowler	Hoagland	Nichol	Withem

Excused and not voting, 2:

Pirsch	Vickers

The DeCamp motion to overrule the Chair prevailed with 28 ayes, 14 nays, 5 present and not voting, and 2 excused and not voting.

The Chair was overruled.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Labedz pending motion to return LB 17 to Select File for the Labedz et al amendment, AM1505, found in the Journal on page 2322 was considered.

Mr. Fenger 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 Labedz motion to return prevailed with 25 ayes, 14 nays, 8 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 17. The Labedz et al amendment, AM1505, found in the Journal on page 2322 was considered.

Mrs. Labedz 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. Newell requested a roll call vote on the Labedz et al amendment.

Voting in the affirmative, 28:

Abboud	Barrett	Beyer	Chambers	Chronister
Clark	DeCamp	Eret	Fenger	Goll
Haberman	Hannibal	Hefner	Higgins	Jacobson
Johnson, L.	Johnson, R.	Labedz	Lamb	Lundy
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Von Minden		

Voting in the negative, 20:

Beutler	Carsten	Cullan	Fowler	Goodrich
Hoagland	Johnson, V.	Kahle	Kilgarin	Landis
Marsh	Morehead	Newell	Nichol	Sieck
Wagner	Warner	Wesely	Wiitala	Withem

Excused and not voting, 1:

Vickers

The Labedz et al amendment was adopted with 28 ayes, 20 nays, and 1 excused and not voting.

Mrs. Higgins requested a record vote on the advancement of the bill.

Voting in the affirmative, 30:

Abboud	Barrett	Beyer	Chambers	Chronister
Clark	DeCamp	Eret	Fenger	Goll
Haberman	Hannibal	Hefner	Higgins	Jacobson
Johnson, L.	Johnson, R.	Labedz	Lamb	Lundy
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch

Remmers	Rupp	Von Minden	Warner	Wesely

Voting in the negative, 13:

Beutler	Carsten	Cullan	Goodrich	Johnson, V.
Kahle	Kilgarin	Landis	Marsh	Morehead
Newell	Sieck	Wiitala		

Present and not voting, 5:

Fowler	Hoagland	Schmit	Wagner	Withem

Excused and not voting, 1:

Vickers

Advanced to E & R for Re-Engrossment with 30 ayes, 13 nays, 5 present and not voting, and 1 excused and not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolution 197.

LR	**Committee**
197	Public Works

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 429. Placed on Select File as amended.
E & R amendments to LB 429:
AM5163

1. On page 1, line 1, strike "and"; in line 2 after "76-1804," insert and 76-1818,"; and strike beginning with "a" in line 5 through "homes" in line 6 and insert "and define terms; to change duties".
2. On page 5, line 1, strike "and", show as stricken, and insert an underscored comma.
3. On page 7, line 1, strike the second "and" and show as stricken.
4. In lieu of the Newell amendment, strike section 5 of the Standing Committee amendments.

5. In the Standing Committee amendments, (a) on page 4, line 24, strike the underscored period and insert "; and" and in line 26 insert "and" before "76-1818" and strike "and 76-1825,"; and (b) on page 3, line 12, strike "Sec. 6." and insert "(7)" and move lines 12 through the first period in line 23 to page 4 after line 24.

6. Renumber original section 4 as section 5.

LEGISLATIVE BILL 632. Placed on Select File as amended.
E & R amendment to LB 632:
AM5164

1. On page 1, line 4, strike "change powers of" and insert "provide duties for"; in line 6, after the semicolon insert "to provide an operative date;".

LEGISLATIVE BILL 632A. Placed on Select File.

(Signed) Rod Johnson, Chairperson

MOTION - Return LB 17 to Select File

Mr. Newell moved to return LB 17 to Select File for the Newell et al specific amendment, AM1500, found in the Journal on page 2267.

MR. BEUTLER PRESIDING

Messrs. Clark and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. H. Peterson 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. Wagner and Speaker Nichol asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Newell requested a roll call vote on his motion to return.

Voting in the affirmative, 15:

Beutler	Carsten	Fowler	Goodrich	Hoagland
Johnson, V.	Kahle	Kilgarin	Landis	Marsh
Morehead	Newell	Wesely	Wiitala	Withem

Voting in the negative, 28:

Abboud	Barrett	Beyer	Chambers	Chronister
Cullan	DeCamp	Eret	Fenger	Goll
Haberman	Hannibal	Hefner	Jacobson	Johnson, L.
Johnson, R.	Labedz	Lamb	Lundy	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Von Minden	Warner		

Present and not voting, 2:

Higgins Sieck

Excused and not voting, 4:

Clark Nichol Vickers Wagner

The Newell motion to return lost with 15 ayes, 28 nays, 2 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 210A. Considered.

Advanced to E & R for Review with 27 ayes, 12 nays, 6 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 626. Considered.

Messrs. Cullan, Haberman, Fenger, and Barrett moved to bracket LB 626 until January 14, 1984.

Messrs. Goodrich and Chronister 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 26 ayes, 5 nays, and 18 not voting.

Mr. Cullan 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 on the Cullan et al motion.

Voting in the affirmative, 22:

Abboud	Barrett	Beutler	Beyer	Cullan
Eret	Fenger	Goll	Haberman	Hefner

Jacobson	Johnson, L.	Johnson, V.	Kahle	Lamb
Lundy	Peterson, H.	Peterson, R.	Pirsch	Remmers
Sieck	Von Minden			

Voting in the negative, 21:

Carsten	Chambers	DeCamp	Fowler	Hannibal
Higgins	Hoagland	Johnson, R.	Kilgarin	Labedz
Landis	Marsh	Morehead	Newell	Pappas
Rupp	Schmit	Warner	Wesely	Wiitala
Withem				

Excused and not voting, 6:

Chronister	Clark	Goodrich	Nichol	Vickers
Wagner				

The Cullan et al motion to bracket lost with 22 ayes, 21 nays, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. DeCamp and H. Peterson offered the following amendment:

Amend LB 626 on page 17, line 23 after "state." insert "of the 6 public members, no more than 2 members shall be appointed from any one Congressional District." and strike the sentence "The public members shall, to the extent possible, represent different areas of the state." in lines 23 and 24 of page 17.

Messrs. DeCamp and H. Peterson renewed their pending amendment, AM1356, printed separate from the Journal and referred to on page 1889 to the DeCamp-H. Peterson amendment.

The DeCamp-H. Peterson amendment to the DeCamp-H. Peterson amendment was adopted with 16 ayes, 8 nays, 18 present and not voting, and 7 excused and not voting.

Mr. R. Peterson asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely offered the following amendment to the DeCamp-H. Peterson amendment.

1. On page 3, strike lines 2 through 4.

The Wesely amendment lost with 4 ayes, 10 nays, 27 present and not voting, and 8 excused and not voting.

Mr. DeCamp offered the following amendment to the DeCamp-H. Peterson amendment:
AM1525

(Amendments to DeCamp-Peterson amendment, AM1356)

1. Strike amendments 2, 3, 14, and 25.

2. On page 4, strike beginning with "Sec." in line 23 through line 26.

3. On page 5, strike lines 1 through 8 and strike lines 16 through 23.

4. Renumber remaining sections accordingly and correct internal references.

The DeCamp amendment was adopted with 20 ayes, 0 nays, 21 present and not voting, and 8 excused and not voting.

The DeCamp-H. Peterson amendment, as amended, was adopted with 27 ayes, 3 nays, 13 present and not voting, and 6 excused and not voting.

Mr. Haberman asked unanimous consent to withdraw his pending amendment, AM1333, found in the Journal on page 1887. No objections. So ordered.

Mr. Wesely asked unanimous consent to withdraw his pending amendment, AM1258, found in the Journal on page 1711. No objections. So ordered.

SPEAKER NICHOL PRESIDING

Mr. Beutler offered the following amendment:
AM1393

1. In the Newell amendment #1 adopted April 21, strike beginning with "in" in line 8 through the semicolon in line 9.

2. In the Newell amendment #2 adopted April 21, in line 19, strike ", acquisition,".

Messrs. Abboud and Wiitala asked unanimous consent to be excused. No objections. So ordered.

The Buetler amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Pending.

MESSAGE FROM THE GOVERNOR

May 18, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 235 and 235A were received in my office on May 12, 1983.

These bills were signed by me on May 18, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 228.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Speaker Nichol asked unanimous consent to print the following amendment to LB 126 in the Journal. No objections. So ordered.

AM1529

(Amendments to Final Reading Second)

1. On page 4, strike beginning with "multiplied" in line 18 through the comma in line 22; strike beginning with "sum" in line 22 through "eligible" in line 24 and insert "total full-time enrollment of Nebraska residents in all eligible postsecondary".

Mr. Chambers asked unanimous consent to print the following amendment to LB 531 in the Journal. No objections. So ordered.

AM1403

1. Insert the following new sections:

"Sec. 5. Any retirement system established for public employees which utilizes annuity contracts shall provide that a participant in such plan shall receive retirement benefits for any contributions made on and after January 1, 1984, based on the annuity purchase rates in effect on the date of purchase which do not use gender as a factor. For purposes of this section public employee shal mean any person who is employed by the State of Nebraska, an agency, board, commission, or other public body created by the state, or any political subdivision of the state. Public employees shall include, but are not limited to judges, members of the Nebraska State Patrol, employees of the University of Nebraska, employees of the state colleges, employees of technical community colleges, employees of the Division of Employment of the Department of Labor, persons eligible for membership under the school retirement systems established in Chapter 79, articles 10 and 15, and employees of cities and villages.

Sec. 6. Any insurance company as defined in section 44- 103 which offers any of the lines of insurance specified in section 44- 201 shall not use gender as a factor in determining rates to persons buying such insurance.".

2. Renumber remaining sections accordingly.

MOTION - Reconsider LB 336

Mr. Wesely moved to reconsider the motion to indefinitely postpone LB 336.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 626. Mr. Beutler offered the following amendment:

AM1380

1. On page 14, after line 12, insert:

"Nothing in subdivision (3) of this section shall be construed to include any rental or residential

housing, residential energy conservation device, or agriculture or agricultural enterprise.".

The amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Beutler offered the following amendment:
AM1385

1. On page 41, line 5, strike "fifty" and insert "thirty".

The amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Chambers offered the following amendment:
Insert new section.

Sec. _____. The purpose of this section is to make loans available for single family housing to people who due to low income would not otherwise qualify for loans under the normal lending practices of the lender and the authority.

By July 1, 1984, the authority shall establish a fund of at least one million dollars to guarantee or subsidize mortgages for low-income people.

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:

(Amendments to DeCamp-Peterson amendment, AM1356)

1. Reinstate amendments 2, 3, 14, and 25.
2. On page 4, reinstate the language beginning with "Sec." in line 23 through line 26.
3. On page 5, reinstate the language in lines 1 through 8.
4. Strike amendment 8.
5. Renumber remaining sections accordingly and correct internal references.

The amendment was adopted with 25 ayes, 8 nays, 9 present and not voting, and 7 excused and not voting.

Mr. Schmit asked unanimous consent to withdraw his pending amendment found in the Journal on page 1712. No objections. So ordered.

Pending.

Mr. Remmers moved to adjourn. The motion lost with 18 ayes, 20 nays, and 11 not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendments to LB 629 in the Journal. No objections. So ordered.

(1)

Strike original sections 2, 3, 4, 5, 7, 8, 9, 11, and 12 and all amendments thereto.

(2)

1. On page 4, in lines 18, 19 and 21, strike "536,183" and insert "1,057,167"; after the period in line 23, insert "The provisions in subdivision (3) of section 24, Legislative Bill 628, Eighty-eighth Legislature, First Session, 1983, that $7,700,045 General Funds and $13,095,840 Federal Funds shall only be used for county administration purposes and that no expenditures shall be made from appropriations for county administration shall be null and void and the total expenditures for permanent and temporary salaries and per diems for state employees shall be increased by $18,034,983 if Legislative Bill 604, Eighty-eighth Legislature, First Session, 1983, becomes law."

2. On page 4, strike lines 24 through 27; on page 5, strike lines 1 through 27; and on page 6, strike lines 1 through 9.

3. After the new matter inserted after the period in line 23, insert:

"(2) Program No. 347 - Public Assistance
GENERAL FUND 4,067,287
PROGRAM TOTAL 4,067,287

There is included in the appropriation to this program $4,067,287 General Funds to fund state assumption of county welfare costs as provided for in Laws 1982, LB 522.

The Cash Fund appropriation to this program shall be decreased by $150,175 due to the state assumption of county welfare costs.

(3) Program No. 348 - Medical Assistance Program
GENERAL FUND 17,766,234
PROGRAM TOTAL 17,766,234

There is included in the appropriation to this program $19,363,708 General Funds to fund state assumption of county welfare costs as provided for in Laws 1982, LB 522.

The Cash Fund appropriation to this program shall be decreased by $17,766,234 due to the state assumption of county welfare costs.

The appropriations in this section shall be null and void if Legislative Bill 604, Eighty-eighth Legislature, First Session, 1983, does not become law."

(3)

Add the following new section:

"Sec. _____. Agency No. 26—Department of Public Welfare

(1) Program No. 347 - Public Assistance

GENERAL FUND 1,185,658
CASH FUND 22,747
FEDERAL FUND est. 20,000
PROGRAM TOTAL 1,228,405

There is included in the appropriation to this program $1,185,658 General Funds, $22,747 Cash Funds, and $20,000 Federal Funds to fund elimination of the 3.75 per cent ceiling on welfare vendor payments.

(2) Program No. 348 - Medical Assistance Program

GENERAL FUND 6,167,182
CASH FUND 2,334,899
FEDERAL FUND est. 11,157,831
PROGRAM TOTAL 19,659,912

There is included in the appropriation to this program $6,167,182 General Funds, $2,334,899 Cash Funds, and $11,157,831 Federal Funds to fund elimination of the 3.75 per cent ceiling on welfare vendor payments.

(3) Program No. 523 - Services for Crippled Children

GENERAL FUND 102,050
PROGRAM TOTAL 102,050

There is included in the appropriation to this program $102,050 General Funds to fund elimination of the 3.75 per cent ceiling on welfare vendor payments.

The appropriations in this section shall be null and void if Legislative Bill 618, Eighty-eighth Legislature, First Session, 1983, becomes law."

(4)

On page 7, in lines 25 and 26, strike "431,810" and insert "139,936" and strike line 27.

On page 8, strike lines 1 and 2.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. DeCamp asked unanimous consent to have his name added as co-introducer to LB 626. No objections. So ordered.

VISITORS

Visitors to the Chamber were Mrs. Ray Wilson; Senator Abboud's uncle and aunt, Gilbert and Betty Haas from Ralston; Don Ellingson from Broken Bow; 24 students and teacher from Bradshaw; and 28

students and teachers from East Butler School in Brainard.

ADJOURNMENT

Mr. Landis moved to adjourn. The motion prevailed with 20 ayes, 11 nays, and 18 not voting and at 5:14 p.m. the Legislature adjourned until 8:30 a.m., Thursday, May 19, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-SIXTH DAY - MAY 19, 1983

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

EIGHTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 19, 1983

Pursuant to adjournment, the Legislature met at 8:32 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Senator Lowell Johnson.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Fowler, Haberman, Hoagland, V. Johnson, Pappas, Schmit, Vickers, Warner, Mesdames Higgins, Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Fifth Day was approved.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 285. Indefinitely postponed.
LEGISLATIVE BILL 292. Indefinitely postponed.
LEGISLATIVE BILL 523. Indefinitely postponed.

(Signed) Bill Barrett, Chairperson

REPORT OF EXECUTIVE BOARD

* Studies being considered jointly.

STANDING COMMITTEES:
Administrative Rules and Regulations Review
1.* LR 136 - Study for private nonprofit organizations designed to

plan, administer, and deliver programs for low-income persons. (Welfare, Cullan) (Adm. Rules and Regs./Public Health and Welfare)

Agriculture and Environment

1. LR 109 - Study by the Agriculture Committee of the nature and extent of groundwater pollution in Nebraska. (Beutler)
2. LR 152 - Study issues of importance to agriculture in Nebraska: establishment of fees by the Public Service Commission; fees charged under the weight and measures law by regulation, rather than by statute as proposed by LB 580; establishment of idle service or standby charges charged to irrigators. (Agriculture Committee)
3. LR 153 - Examine the marketing and promotion of Nebraska's agricultural commodities. (Agriculture Committee)
4. LR 154 - Study the establishment of a Nebraska weekly commodity pricing directory. (Agriculture Committee)
5. LR 89 - Study by Agriculture Committee of uranium mining in Nebraska. (Cullan)

Appropriations

1. LR 112 - Study by the Appropriations Committee of the funding of the state college system. (Kahle)
2.* LR 171 - Study alternatives for cost-containment and cost-reduction measures under Title XIX Medical Assistance Program. (Appropriations/Public Health and Welfare) (Fowler, Newell)
3.* LR 187 - Committee composed of the Chairman and 3 members of the Education and Appropriations Committees be authorized to study postsecondary education. (Education/Appropriations) (Warner, Pappas, Vickers)
4.* LR 104 - Study by the Health Committee of optional Medicaid services paid by the state and an investigation of eligibility requirements. (Appropriations/Public Health and Welfare) (Fenger, R. Peterson, Barrett)

Banking, Commerce and Insurance

1. LR 126 - Banking Committee study, review and take further testimony on: Termination or continuation of Boards of Public Accountancy, Nebraska Real Estate Commission, and Abstracters Board of Examiners. (Banking, DeCamp)
2. LR 125 - Study by the Banking Committee relating to issues of commerce in the State: LBs 343, 340, 502, 554; effects of Initiative 300. (Banking, DeCamp)
3. LR 127 - Study by Banking Committee of specific aspects of this state's Insurance Code and regulations. (Banking, DeCamp)
4. LR 139 - Study of possible legislation which would permit reciprocity with adjacent states in the ownership of banks.

(Banking, DeCamp)

5. LR 140 - Study malpractice and professional and commercial liability laws as they pertain to citizens and industries in the State of Nebraska. (Banking, Fowler)
6. LR 95 - Study the advisability of legislation to assess alternate methods of improving energy efficiency in existing housing stock. (DeCamp, Landis)
   LR 178 - Research Division conduct an oversight of energy programs administered by the state. (Wesely)
   LR 184 - Banking Committee study the energy problems facing Nebraska. (Fowler, DeCamp)
   Combining to study various aspects of energy legislation.
7. LR 176 - Study the differences between financing by mortgage and financing by trust deed. (Wesely)
8. LR 170 - Review the issue of mandating insurance coverage for alcoholism. (Kilgarin)
9. LR 179 - Revenue Committee work with interested parties, including the Nebraska Investment Council, in studying the management of the Permanent School Fund. (Wesely)

Business and Labor

1. LR 145 - Study to examine issues involving determination of employer-employee status under the Nebraska Employment Security Law. (Business and Labor, Fowler, Barrett)
2. LR 146 - Examine possible amendments to the NE Employment Security Law. (Business and Labor Committee)
3. LR 147 - Examine possible legislation in response to issues raised in LB 576, which proposed requiring larger employers, to give notice and provide certain employee benefits to ease economic dislocation. (Business and Labor Committee)
4. LR 148 - Study the need for legislation in response to concerns raised by LB 280, which proposes to provide employees with rights to information from employers regarding toxic substances used or produced in the workplace. (Business and Labor)
5. LR 129 - Study by Business and Labor Committee of procedures governing employee claims for wages. (Fowler)
6. LR 123 - Business and Labor Committee study the need to raise the state minimum wage. (Fowler)
7. LR 128 - Study of specific facilities not required to be inspected by office of state boiler inspector. (Fowler)

Constitutional Revision and Recreation

1. LR 156 - Conduct a study relating to Article XIII, Section 3, of the Constitution of Nebraska, relating to prohibiting the giving of credit by the state. (Constitutional Revision and Recreation)
2. LR 160 - Study landowner compensation in the area of game

management. (Sieck and Lamb)

3. LR 157 - Study the feasibility of an income tax check-off program for the purpose of propagating and protecting non-game wildlife in the state. (Constitutional Revision and Recreation)

4,* LR 158 - Study the issue of placing a uniform constitutional limitation upon the amount of ad valorem taxes. (Constitutional Revision and Recreation/Revenue)

Education

1. LR 90 - Study of the adequacy of current curriculum and graduation requirements applicable to the state's secondary schools and secondary students. (Vickers)

   LR 92 - Study of issues related to school schedules. (Vickers)

   LR 107 - Study the advisability of legislation in the area of computer education in the public schools. (Beutler)

   The Governor will appoint a task force to respond to the National Commission's recommendations on a state level and the hearings and research of the Committee will be coordinated with that of the executive branch.

2. LR 91 - Study of the recommendations of the National Commission on Excellence in Education. (Vickers)

3. LR 59 - Study statutes governing changes in school district boundaries which may occur as a result of municipal annexations. (Vickers, Schmit, et al.)

4. LR 124 - Study of the postsecondary educational system in Nebraska. (V. Johnson)

   LR 159 - Study alternative methods of organization and structure for governing Nebraska's postsecondary school institutions. (Hoagland)

   LR 183 - Review of the role of state supported postsecondary institutions. (Vickers)

5.* LR 187 - Committee composed of the Chairman and 3 members of the Education and Appropriations Committees be authorized to study postsecondary education. (Education/Appropriations) (Warner, Pappas, Vickers)

   Informational and/or Monitoring-type Studies:

6. LR 113 - Study of Nebraska's high school nonresident tuition formula and the issues of fairness and equity. (Kahle)

7.* LR 133 - Study to determine feasibility of expanding the local tax base beyond the property tax by implementing a local income tax to finance school districts. (Remmers, Sieck) (Revenue/Education)

8. LR 102 - Study directed by the Education Committee of the feasibility of extending public radio service across the state. (The Study will be conducted by the Nebraska Educational Television Network.) (Fowler)

9. LR 96 - Study of the impact of federal budget cuts on elementary, secondary, and postsecondary educational services in the state. (Fowler)

Executive Board

1. LR 130 - Study of the need for development of a new personnel plan for all Legislative Council employees. (V. Johnson)
2. LR 186 - A study to examine the functioning of the Municipal Power Pool and the Municipal Energy Agency of NE. (Warner, Lamb, Schmit, DeCamp)

Government, Military and Veterans Affairs

1.* LR 114 - Creation of a task force to undertake a study of Nebraska's jails. (L. Johnson, R. Johnson, Landis, Goll) (Government/Law Enforcement Justice Advisory Committee)
2. LR 76 - Study of the township system of government in 28 Nebraska counties. (R. Johnson, Landis)
3. LR 193 - Study of all aspects of the tuition credit program as applies to NE residents enlisted as members of a NE-based unit of Active Selected Reserves of the US Armed Forces. (Landis)
4. LR 118 - Study of the impact on county governments of the development of a centralized filing or indexing system of recording all liens held by security interest holders in the state. (Sieck, Carsten, Vickers)
5. LR 88 - Study of existing laws governing the qualifications, duties, and powers of notaries public. (Landis)
6. LR 194 - Study of the state's obligations and requirements in the administration of federal block grant funds. (Landis)
7. LR 155 - Study of the increase of violence of extremist hate groups and the extent these groups are engaged in paramilitary training. (Hoagland, Beutler)

Judiciary

1. LR 84 - Study by Law Enforcement Justice Advisory Committee to examine the Nebraska Court System. (Law Enf. Justice Adv. Com./Beutler) (Hearings across the state)
2. LR 150 - Study the current method of handling child custody and child support cases within our state court system. (Hoagland) (Hearings across the state)
3. LR 58 - Study to evaluate procedures of the Commission of Judiciary Qualifications and method of disciplining the Judiciary to determine whether reform of present method is needed. (Von Minden, Hefner, Beutler)
4. LR 82 - Study to evaluate various proposals for changes in criminal law and law enforcement procedure. (Judiciary/Beutler)
5. LR 83 - Study to coordinate efforts by that committee and various Bar Association and Supreme Court drafting

committees with regard to problem areas in the law governing civil procedure. (Judiciary/Beutler)

6. LR 85 - Study of basic purposes, policies, and goals of corrections, sentencing and parole in Nebraska. (Judiciary/Beutler)
7. LR 86 - Study to examine feasibility of creating a Youth Service Commission to replace all other separate organizations dealing with youth services. (Judiciary/Beutler)
8. LR 108 - Study the problem of the expansion of cult activity in Nebraska. (Goll)
9. LR 134 - Study to consider whether defining in statute what constitutes abandonment is necessary and whether additional grounds should be added to adoption statutes to provide for stepparent adoption. (Pirsch)
10. LR 135 - Study to consider methods of solving time-consuming and expensive process of issuing warrants for drivers who fail to appear in court for traffic violations. (Pirsch)
11. LR 141 - Study of the procedure utilized by the Nebraska courts in sentencing persons convicted of criminal offenses and possible reforms of the procedure. (Judiciary, Chambers)

Resolutions to be reviewed and updated from past studies.

12. LR 94 - Study of the insanity defense to a criminal charge as it exists in Nebraska today. (Vickers, Pappas)
13. LR 98 - Study of the need to provide interpreters for hearing or speaking impaired individuals in legal matters. (Fowler)
14. LR 99 - Study of the need to develop a state medical examiner system in Nebraska. (Fowler, Chambers)
15. LR 142 - Study of the correctional institutions under the direction or control of the Nebraska Department of Correction Service. (Judiciary, Chambers)
16. LR 149 - Study the proper role of psychiatric testimony on the question of insanity in criminal cases. (Pirsch)

Miscellaneous Subjects

1. LR 115 - Study to examine the provisions of LBs 259 and 336; the effects of enforcement provisions; lotteries operated by political subdivisions; areas of gambling or lotteries which are not addressed by either bill. (Misc. Subjects Com./Hefner)
2. LR 116 - Study of abuses of automatic dialing-announcing devices. (Misc. Subjects Com./Hefner)
3. LR 165 - Study of the effects of Nebraska's Unicameral legislative system on the state decision-making process. (V. Johnson)

Public Health and Welfare

1.* LR 104 - Study of optional Medicaid services paid by the state and an investigation of eligibility requirements. (Fenger, R. Peterson, Barrett) (Approp./Pub. Health and Wel.)

* LR 171 - Study alternatives for cost-containment and cost-reduction measures under Title XIX Medical Assistance Program. (Fowler, Newell) (Approp./Pub. Health and Wel.)

2. LR 120 - Review of the present system of delivering mental health services for the state. (R. Peterson, Withem, Wesely, Fenger, Rupp)
3. LR 137 - Study to examine the current status of the Bureau of Examining Boards to consider reconstruction of the bureau. (Health and Welfare/Fenger)
4.* LR 136 - Study for private nonprofit organizations designed to plan, administer, and deliver programs for low-income persons. (Welfare, Cullan) (Adm. Rules and Regs./Pub. Health and Wel.)
5. LR 138 - Study to be conducted regarding expanding roles of nursing in obstetrics and gynecology. (Health and Welfare/Fenger)

LR 67 - Health Committee study of the need for expanded roles in nursing. (Marsh)

The Committee voted unanimously to defer study on the following resolutions:

LR 190 - Study the present and future development of health maintenance organizations in Nebraska. (Abboud).

LR 180 - Public Health Committee to work with the Nebraskans for Quality and Affordable Health Care to examine issues related to the containment of rising health care costs. (Wesely)

LR 97 - Study of the impact of federal budget cuts on human services across Nebraska. (Fowler)

LR 121 - Study of the adequacy of state Aid to Dependent Children payments, the fairness of distribution procedure. (Fowler)

LR 122 - Study of the duties and powers of dental hygienists and assistants and their auxiliary capacities in the practice of dentistry. (Fowler)

LR 188 - Study by Government Committee of state nursing home and hospital standards and regulations and their adequacy. (Fowler)

LR 189 - Study relating to requiring education for doctors practicing medicine in Nebraska. (Fowler)

Public Works

1. LR 144 - Study to address issues relating to the conservation, utilization, management and development of Nebraska's soil and water resource. (Public Works/Schmit)

LR 106 - Study to determine the effectiveness of the program conducted by the NRDs to provide funding for conservation practices to be put in place by individual landowners. (Beutler)

2. LR 161 - Study issues relating to the public power industry and power consumers in Nebraska. (Schmit)

LR 191 - Study of electric utilities and electric rates in Nebraska. (Abboud)

LR 100 - Study of the feasibility of permission of the Legislature to allow political subdivisions to establish ownership and/or operation of a cable utility system (CATV). (DeCamp)

3. LR 143 - Study to address issues of concern to the citizenry of the State of Nebraska. (Public Works/Schmit)

LR 185 - Study to examine procedures and guidelines utilized by Department of Roads in selecting locations where railroad crossing guards are to be placed. (Haberman)

LR 51 - Study of the impact of present and future railroad safety operations in Nebraska. (Schmit)

4. LR 177 - Study involving consumers, the natural gas industry, the Administration, (LB 122) (Wesely)

Nebraska Retirement Systems

1. LR 119 - Study of Nebraska's Public Employee Retirement Programs. (V. Johnson)

LR 173 - To review for possible changes the General Principles of Sound Retirement Planning. (Retirement/Fowler)

2. LR 174 - To examine issues relating to the investment of funds for various state retirement plans. (Retirement/Fowler)

LR 182 - Study to be conducted into the investment of state pension funds. (Wesely)

3. LR 172 - Study of the adequacy of current retirement plans for county law enforcement personnel. (Retirement/Fowler)

Revenue

1. LR 167 - Study methods of providing property tax relief. (Revenue Committee)
2. LR 168 - Examine Nebraska's present "piggyback" income tax. (Revenue Committee)
3. LR 181 - Study be conducted relative to the impact of state aid on local subdivisions. (Wesely)
4. LR 166 - Review the current status of property valuation and equalization in Nebraska. (Revenue Committee)
5. *LR 133 - Joint study by Revenue and Education Committees to determine feasibility of expanding the local tax base beyond the property tax by implementing a local income tax to finance school districts. (Remmers/Sieck) (Revenue/Education)
6. LR 117 - Study of certain aspects of Nebraska tax law in relation to tax liability on annuity income. (Sieck)
7. *LR 158 - Study the issue of placing a uniform constitutional limitation upon the amount of ad valorem taxes. (Constitutional Revision and Recreation) (Revenue/Const. Rev. and Rec.)
8. LR 175 - Revenue Committee study questions surrounding Nebraska's severance tax policy. (Wesely)

Urban Affairs

1. LR 132 - Study of the means available in Nebraska for financing capital improvements in municipalities, suburbs, and unincorporated rural communities. (Fenger, Newell, Hannibal, Withem)
   LR 164 - Study the financing mechanisms available to provide fair housing for low and moderate income families. (Newell)
2. LR 162 - Study the concepts used by other states to encourage the development of older neighborhoods. (Newell)
   LR 163 - Study the effectiveness of Community Development Block Grants for the redevelopment of cities. (Newell)
3. LB 151 - Investigate restrictive rental practices in Nebraska. (V. Johnson)

MESSAGE FROM THE GOVERNOR

May 18, 1983

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

Dear Mr. President and Senators:

I hereby return LB 62 and LB 62A without my signature and with my objections.

My first concern is with establishing new funding for a program when we are cutting back on existing programs.

I am also concerned about setting curriculum priorities at the state level by targeting funds for specific educational programs without an assessment of overall state educational needs. Without this overall assessment, such decisions are best left to the local school boards.

I urge you to support and sustain my veto and, in the months ahead, to join in the common task of further improving public education in Nebraska.

Sincerely,
(Signed) ROBERT KERREY
Governor

RESOLUTION

LEGISLATIVE RESOLUTION 203.

Introduced by Fowler, 27th District; Landis, 46th District; Marsh, 29th

District; Warner, 25th District; Beutler, 28th District; Wesely, 26th District.

WHEREAS, Helen G. Boosalis has served the city of Lincoln for sixteen years as a city council member and eight years as mayor; and

WHEREAS, Helen Boosalis served as president of the United States Conference of Mayors in 1981; and

WHEREAS, during Helen Boosalis' term as mayor, Lincoln was recognized as an All-American City; and

WHEREAS, Helen Boosalis has continuely supported citizen participation in all areas of Lincoln, initiated energy conservation programs, and worked for the revitalization of neighborhoods and commercial and business districts of Lincoln; and

WHEREAS, Helen Boosalis' leadership and commitments have contributed significantly to the quality of life for the citizens of Lincoln.

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

1. That the Leigslature recognizes that the contributions Helen Boosalis has made to her city have brought recognition not only to Lincoln, but to Nebraska as well; and

2. That the Legislature commends Helen Boosalis for her contributions to the city of Lincoln and the state of Nebraska.

3. That a copy of this resolution be sent to Helen Boosalis.

Laid over.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 198 and LR 199.

RESOLUTIONS

LEGISLATIVE RESOLUTION 200. Read. Considered.

LR 200 was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 201. Read. Considered.

LR 201 was adopted with 29 ayes, 0 nays, and 20 not voting.

LEGISLATIVE RESOLUTION 202. Read. Considered.

LR 202 was adopted with 31 ayes, 0 nays, and 18 not voting.

GENERAL FILE

LEGISLATIVE BILL 27. Considered.

Standing Committee amendments, AM0400, found in the Journal on page 606 for the Thirtieth Day were considered.

Mr. Newell renewed his pending amendment, AM1514, found in the Journal on page 2335 to the Standing Committee amendment.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 7 nays, and 16 not voting.

The Newell amendment lost with 4 ayes, 25 nays, 17 present and not voting, and 3 excused and not voting.

Mr. V. Johnson offered the following amendment to the Standing Committee amendments:
AM1513

(Amendments to the Standing Committee Amendments)

1. On page 1, line 7, strike "twenty- three and sixty- eight" and insert "forty- seven and thirty- six"; in lines 9 and 10 strike "thirty- three and sixteen" and insert "sixty- six and thirty- two"; in line 13 strike "twenty- two and five" and insert "forty- four and ten"; in lines 15 and 16 strike "thirty- one and five" and insert "sixty- two and ten"; in line 19 strike "twenty- one and forty- three" and insert "forty- two and eighty- six"; and in line 21 strike "thirty" and insert "sixty".

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. Johnson asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

The Standing Committee amendments, as amended, were adopted with

27 ayes, 9 nays, 11 present and not voting, and 2 excused and not voting.

Mr. Warner offered the following amendment to LB 27:
1. Strike section 1 and renumber remaining sections accordingly.
2. Insert the following new section:
"That Laws 1983, LB 363, is repealed."

Mr. Beutler requested a ruling of the Chair on whether the Warner amendment is germane to the bill.

The Chair ruled the amendment not germane to the bill.

Mr. Warner moved to suspend the Rules, Rule 7, Sec. 3(d) to permit the consideration of the Warner amendment.

Mr. Chambers requested a record vote on the Warner motion to suspend the rules.

Voting in the affirmative, 19:

Abboud	Beyer	Carsten	Clark	Fenger
Haberman	Hannibal	Jacobson	Johnson, L.	Kahle
Labedz	Lamb	Marsh	Peterson, H.	Remmers
Schmit	Von Minden	Wagner	Warner	

Voting in the negative, 22:

Barrett	Beutler	Chambers	Cullan	Eret
Fowler	Goll	Goodrich	Hefner	Higgins
Hoagland	Johnson, R.	Johnson, V.	Kilgarin	Landis
Lundy	Morehead	Newell	Pirsch	Rupp
Wesely	Withem			

Present and not voting, 6:

Chronister	DeCamp	Nichol	Peterson, R.	Sieck
Wiitala				

Excused and not voting, 2:

Pappas	Vickers

The Warner motion to suspend the rules lost with 19 ayes, 22 nays, 6 present and not voting, and 2 excused and not voting.

Mr. Fowler offered the following amendment:
(Amendment on file in the Clerk's Office - AM1512.)

Mr. Fenger requested a ruling of the Chair on whether the Fowler amendment is germane to the bill.

The Chair ruled the amendment not germane to the bill.

Mrs. Marsh offered the following amendment:
Strike the Hefner amendment, adopted on May 17, 1983.

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 Marsh amendment lost with 10 ayes, 26 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 26 ayes, 8 nays, 13 present and not voting, and 2 excused and not voting.

MOTION - Return LB 59 to Select File

Mr. Chambers moved to return LB 59 to Select File for the following specific amendment:
Amend Morehead-DeCamp Amendment
1. In section 1, strike underscored language in lines 3-5.
2. In section 7, strike (1) and (3)
3. Strike section 8

Mr. Chambers requested a roll call vote on his motion to return.

Voting in the affirmative, 12:

Chambers	Higgins	Kilgarin	Labedz	Landis
Marsh	Newell	Rupp	Wagner	Wesely
Wiitala	Withem			

Voting in the negative, 35:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Lamb	Lundy
Morehead	Nichol	Peterson, H.	Peterson, R.	Pirsch

Remmers	Schmit	Sieck	Von Minden	Warner

Excused and not voting, 2:

Pappas	Vickers

The Chambers motion to return lost with 12 ayes, 35 nays, and 2 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 59. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.01, 77-27,137, 77-27,137.01, 79-1333, and 81-125.01, Revised Statutes Supplement, 1982; to provide for an additional sales tax rate as prescribed; to change provisions relating to aid to counties, incorporated municipalities, and school districts as prescribed; to create a fund; to provide for collection of such additional tax; to change provisions relating to budget preparation as prescribed; 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, 45:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Sieck	Von Minden
Wagner	Warner	Wesely	Wiitala	Withem

Voting in the negative, 2:

Chambers	Lamb

Excused and not voting, 2:

Pappas 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 126 to Select File

Speaker Nichol moved to return LB 126 to Select File for his specific amendment, AM1529, found in the Journal on page 2364.

Speaker Nichol asked unanimous consent to withdraw his pending motion to return LB 126. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Amendment to LB 126

Speaker Nichol asked unanimous consent to withdraw his pending amendment, AM1529, found in the Journal on page 2364 to LB 126. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 126.

A BILL FOR AN ACT relating to postsecondary education; to provide a work-study program for eligible students.

Whereupon the 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:

Abboud	Barrett	Beutler	Beyer	Chambers
Chronister	Cullan	DeCamp	Eret	Fenger
Fowler	Haberman	Hannibal	Higgins	Hoagland
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Landis	Marsh	Morehead	Newell
Peterson, H.	Pirsch	Schmit	Wesely	Wiitala
Withem				

Voting in the negative, 14:

Carsten	Clark	Goll	Goodrich	Hefner

Jacobson	Lamb	Nichol	Peterson, R.	Remmers
Rupp	Von Minden	Wagner	Warner	

Present and not voting, 2:

Lundy Sieck

Excused and not voting, 2:

Pappas Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 126A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 126, Eighty-eighth Legislature, First Session, 1983.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Mr. Cullan requested a roll call vote.

Voting in the affirmative, 33:

Abboud	Barrett	Beutler	Beyer	Chambers
Chronister	Cullan	DeCamp	Fenger	Fowler
Goodrich	Haberman	Hannibal	Higgins	Hoagland
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Landis	Lundy	Marsh	Morehead
Newell	Peterson, H.	Schmit	Sieck	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 14:

Carsten	Clark	Eret	Goll	Hefner
Jacobson	Lamb	Nichol	Peterson, R.	Pirsch
Remmers	Rupp	Von Minden	Wagner	

Excused and not voting, 2:

Pappas 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 relating to public health and welfare; to define terms; to establish requirements for certain nursing home employees as prescribed; to provide duties and powers; to provide for enforcement; 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, 30:

Barrett	Beutler	Beyer	Chambers	Chronister
Cullan	DeCamp	Fowler	Goll	Goodrich
Haberman	Hannibal	Higgins	Hoagland	Johnson, R.
Johnson, V.	Kilgarin	Labedz	Landis	Marsh
Morehead	Newell	Pirsch	Rupp	Schmit
Wagner	Warner	Wesely	Wiitala	Withem

Voting in the negative, 17:

Abboud	Carsten	Clark	Eret	Fenger
Hefner	Jacobson	Johnson, L.	Kahle	Lamb
Lundy	Nichol	Peterson, H.	Peterson, R.	Remmers
Sieck	Von Minden			

Excused and not voting, 2:

Pappas	Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 273A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 273, Eighty-eighth Legislature, First Session, 1983.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 30:

Barrett	Beutler	Beyer	Chambers	Chronister
Cullan	DeCamp	Fowler	Goodrich	Haberman
Hannibal	Higgins	Hoagland	Johnson, R.	Johnson, V.
Kilgarin	Labedz	Landis	Lundy	Marsh
Morehead	Newell	Pirsch	Rupp	Schmit
Wagner	Warner	Wesely	Wiitala	Withem

Voting in the negative, 17:

Abboud	Carsten	Clark	Eret	Fenger
Goll	Hefner	Jacobson	Johnson, L.	Kahle
Lamb	Nichol	Peterson, H.	Peterson, R.	Remmers
Sieck	Von Minden			

Excused and not voting, 2:

Pappas Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Member Excused

Messrs. Hefner and Kahle asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Return LB 146 to Select File

Mr. Beutler and Mrs. Pirsch moved to return LB 146 to Select File for the following specific amendment:

1) On pg. 3, line 5, strike "must" and insert "shall"; and strike beginning with "whose" in line 11 through "section" in line 12 and insert "when the consent requirements of this section have been met.

2) On pg. 3, line eight (8), after "translation," strike beginning with and through the underscored period ., and insert a period after translation.

The motion to return prevailed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 146. The Beutler-Pirsch specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 371.

A BILL FOR AN ACT relating to support and protection of certain parties; to amend sections 42-357, 42-364.01, 42-364.02, 42-364.06, 42-364.10, 42-364.11, and 42-369, Reissue Revised Statutes of Nebraska, 1943, sections 42-358.02, 43-512, and 43-512.01 to 43-512.03, Revised Statutes Supplement, 1982, and section 43-512.05, Revised Statutes Supplement, 1982, as amended by section 1, Legislative Bill 417, Eighty-eighth Legislature, First Session, 1983; to authorize ex parte orders as prescribed; to modify provisions relating to temporary and permanent child support; to define and redefine terms; to authorize attorneys to enforce support orders as prescribed; 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, 43:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kilgarin	Labedz	Lamb
Landis	Marsh	Morehead	Newell	Nichol
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Sieck	Von Minden	Wagner	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 0.

Present and not voting, 2:

Chambers Lundy

Excused and not voting, 4:

Hefner Kahle Pappas Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 371A. Passed over.

MOTION - Return LB 408 to Select File

Mr. Warner moved to return LB 408 to Select File for the following specific amendment:

1. On page 3, line 26, after "eighty-six" insert "hundredths".
2. On page 4, line 15, after "seventy-eight" insert "hundredths".

The motion to return prevailed with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 408. The Warner specific amendment found in this day's Journal was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 411 to Select File

Messrs. Wesely and Cullan moved to return LB 411 to Select File for the following specific amendment:
AM1508

(Amendments to Final Reading Copy)

1. On page 2, line 10, strike the underscored comma and insert "and"; strike beginning with the underscored comma in line 11 through "load" in line 21; and strike beginning with "(i)" in line 25 through line 27 and insert "that no overall length limit shall apply to truck-tractor semitrailer combinations and truck-tractor semitrailer trailer combinations operated on any portion of the National System of Interstate and Defense Highways or on any federal-aid primary road, as defined in section 39-1302, if the following conditions are met:

(i) The maximum length of any semitrailer operated in a truck-tractor semitrailer combination

shall be fifty feet; and

(ii) The maximum length of any semitrailer or trailer operated in a truck- tractor semitrailer trailer combination shall be twenty- eight and one half feet per semitrailer or trailer.".

2. On page 3, strike the new matter in lines 1 and 2; and after line 19 insert:

"(f) For the purposes of this section, unless the context otherwise requires, truck- tractor shall mean the noncargo carrying power unit which operates in combination with a semitrailer, a trailer, or both.".

The motion to return lost with 7 ayes, 23 nays, 16 present and not voting, and 3 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 59, 126, 126A, 273, 273A, and 371.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

Governor's appointment, Monday, May 23, 1983 12:00 noon
Confirmation hearing:
Jake Gonzales, Jr. - Director, Department of Veterans Affairs

(Signed) David Landis, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 531. Placed on Select File as amended.
E & R amendments to LB 531:
AM5165

1. On page 6, line 4, strike "his or her" and insert "its"; and in line 10 after "duty" insert a comma.

2. On page 7, in lines 3 and 27, insert paragraphing before "To"; and in line 20 strike "that" and insert "who".

3. On page 10, line 17, strike "is" and insert "shall be".

4. In the Standing Committee amendments:

(a) On page 7, line 21, strike "are" and

11 insert "were"; and
12 (b) On page 9, line 25, strike "effective" and
13 insert "operative".

LEGISLATIVE BILL 210A. Placed on Select File.

(Signed) Rod Johnson, Chairperson

VISITORS

Visitors to the Chamber were former U. S. Senator and Mrs. Carl Curtis; Mr. and Mrs. Dave Phillips from Canada; Lillian Schultz from Fremont; 38 fourth grade students and teacher from Centennial School, Utica; 18 sixth grade students, teacher, and sponsor from Sandhills Public School, Brewster; 50 fourth grade students and teachers from Park School, Omaha; and 30 fourth grade students and teachers from Oakdale Elementary School, Omaha.

RECESS

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

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Messrs. Hoagland and Pappas who were excused; and Messrs. Barrett, R. Peterson, Schmit, Vickers, Mesdames Higgins, and Labedz who were excused until they arrive.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 19, 1983, at 1:15 p.m., were the following bills: 59, 126, 126A, 273, 273A, and 371.

(Signed) Jan Loder, Enrolling Clerk

ATTORNEY GENERAL'S OPINION

Opinion No. 117
May 19, 1983

Dear Senator Hoagland:

You have submitted to us another amendment to LB 599, and have asked our opinion as to whether it cures the problems we pointed out in our Opinion No. 103, and its predecessor, Opinion No. 88. In our opinion, it does not materially change the bill, as amended, which we discussed in our Opinion No. 103.

In Opinion No. 103 we discussed an amendment which provided that any injunction issued under the act could enjoin only offers to or purchases from Nebraska residents pursuant to a takeover offer. The amendments you now submit would provide that the liabilities, penalties, and remedies provided for by §§8-1117 and 8-1118 should apply only in respect to offers to or purchases from residents of the State of Nebraska. It further provides that the Department of Banking and Finance shall have, with respect to takeover offers, the powers set forth in §§8-1115 and 8-1116 only with respect to transactions in the State of Nebraska.

Sections 8-1117 and 8-1118 provide for certain liabilities and penalties for violation of the Securities Act of Nebraska, and provide remedies for persons injured by such violation. Sections 8-1115 and 8-1116 give the Director of Banking and Finance certain investigatory powers, and the right to bring an action for injunction to prevent violation of the Securities Act of Nebraska.

In our Opinion No. 103 we pointed out the possibility that LB 599, as then amended, might still be held to violate the Commerce Clause of the Federal Constitution, and we also pointed out the distinct possibility that the courts may ultimately say that Congress has completely occupied the field with respect to takeover offers, leaving no room for state regulation.

As we said in that opinion, the answer is not crystal clear, but there is a strong likelihood that this legislation will be held to be invalid, either as being in violation of the Commerce Clause, or as having been preempted by the Williams Act. The amendment you have submitted to us does nothing to change that conclusion.

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

RHG:cw
cc: Patrick J. O'Donnell
Clerk of the Legislature
2018 State Capitol
Lincoln, Nebraska 68509

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 200, LR 201, and LR 202.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 411. With Emergency.

A BILL FOR AN ACT to amend section 39-6,179, Revised Statutes Supplement, 1982, relating to rules of the road; to provide for length limitations on certain vehicles; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Barrett	Beyer	Carsten	Chronister	Clark
DeCamp	Eret	Fenger	Goll	Goodrich
Haberman	Hannibal	Hefner	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Lamb
Landis	Lundy	Marsh	Newell	Nichol
Peterson, H.	Remmers	Rupp	Sieck	Von Minden
Wagner	Warner	Wiitala	Withem	

Voting in the negative, 6:

Abboud	Chambers	Fowler	Morehead	Pirsch
Wesely				

Present and not voting, 3:

Beutler	Cullan	Higgins

Excused and not voting, 6:

Hoagland	Labedz	Pappas	Peterson, R.	Schmit
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 604 to Select File

Mr. Kahle moved to return LB 604 to Select File for his specific amendment, AM1493, found in the Journal on page 2292.

PRESIDENT MCGINLEY PRESIDING

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

The motion to return prevailed with 31 ayes, 3 nays, 11 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 604. The Kahle specific amendment, AM1493, found in the Journal on page 2292 was adopted with 29 ayes, 3 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 204.

Introduced by Haberman, 44th District.

WHEREAS, John B. Campbell of the Department of Agriculture's Cooperative Extension Service in North Platte recently received the United States Department of Agriculture's Distinguished Service Award; and

WHEREAS, Mr. Campbell was one of only twelve people honored; and

WHEREAS, Mr. Campbell was honored for effective state and national leadership in developing and maintaining an innovative extension program in integrated pest management for livestock and field crops; and

WHEREAS, we Nebraskans are proud and honored to have a citizen like Mr. Campbell represent our state and our number one industry of agricultural so well.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA,

FIRST SESSION:

1. That the Legislature commends and congratulates Mr. Campbell on his award.

2. That a copy of this resolution be sent to Mr. Campbell as a symbol of the Legislature's good wishes.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 626. Considered.

Speaker Nichol moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Haberman requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 24:

Chambers	Chronister	Cullan	DeCamp	Fowler
Goodrich	Hannibal	Higgins	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Lundy	Marsh	Morehead
Newell	Nichol	Peterson, H.	Rupp	Sieck
Wagner	Wesely	Wiitala	Withem	

Voting in the negative, 20:

Abboud	Barrett	Beutler	Beyer	Carsten
Clark	Eret	Fenger	Goll	Haberman
Hefner	Jacobson	Johnson, L.	Lamb	Landis
Peterson, R.	Pirsch	Remmers	Von Minden	Warner

Present and not voting, 1:

Schmit

Excused and not voting, 4:

Hoagland	Labedz	Pappas	Vickers

Failed to advance to E & R for Review with 24 ayes, 20 nays, 1 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Fenger asked unanimous consent to be excused for the remainder

of the day and Friday, May 20, 1983. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 259. E & R amendments, AM5096, found in the Journal on page 1327 for the Fifty-Seventh Day were adopted.

Mr. DeCamp renewed his pending amendment, AM0950, found in the Journal on page 1251.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. Johnson requested a ruling of the Chair on whether the amendment is germane to the bill.

The Chair ruled the amendment is germane to the bill.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, AM0950, found in the Journal on page 1251. No objections. So ordered.

Mr. Chambers asked unanimous consent to withdraw his pending amendment, AM0967, found in the Journal on page 1271. No objections. So ordered.

Mr. Fowler offered the following amendment:
AM0974

1. On page 8, line 13 after "(2)" insert "Any organization which is a ballot question committee, candidate committee, independent committee, or political party committee, as defined in sections 49-1406, 49-1410, 49-1427, and 49-1441 respectively, may apply to the licensing authority for a license to conduct bingo.
(3)".

2. On page 28, line 8, strike "or", show as stricken, and insert "any nonprofit organization"; in line 11 after the first comma insert "and any organization which is a ballot question committee, candidate committee, independent committee, or political party committee, as defined in sections 49-1406, 49-1410, 49-1427, and 49-1441 respectively,"; and in line 13 after "charitable" insert an underscored comma,

strike "or" and show as stricken, and after "betterment" insert ", or committee".

3. On page 29, in lines 7 and 11, strike "nonprofit" and show as stricken; and in line 23 after "(2)" insert "Any organization which is a ballot question committee, candidate committee, independent committee, or political party committee, as defined in sections 49-1406, 49-1410, 49-1427, and 49-1441 respectively, may purchase units from a distributor and use the proceeds from the sale of the pickle cards for a lawful purpose.

(3)".

4. On page 33, in lines 6 and 9, strike "nonprofit".

The Fowler amendment lost with 7 ayes, 9 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Chambers offered the following amendment:
Add new section.

Amend 28-1116. Any county, city, or village may establish and conduct lotteries when the proceeds of such lotteries are used for community betterment purposes and the awarding of prizes to participants. No county, city or village shall establish and conduct such a lottery until such course of action has been approved by a majority of the registered voters of such county, city, or village casting ballots on the issue at a regular election or a special election called for the purpose of considering such action. No county, city, or village shall establish or conduct lotteries after June 30, 1985.

Mr. Warner requested a ruling of the Chair on whether the Chambers amendment is germane to the bill.

The Chair ruled the amendment is germane to the bill.

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, 16:

Abboud	Barrett	Beutler	Eret	Higgins
Johnson, L.	Johnson, R.	Kahle	Kilgarin	Landis
Marsh	Nichol	Peterson, H.	Rupp	Sieck
Wesely				

Voting in the negative, 20:

Carsten	Cullan	DeCamp	Fowler	Goll
Goodrich	Haberman	Hannibal	Hefner	Jacobson
Johnson, V.	Labedz	Lundy	Morehead	Pirsch
Remmers	Schmit	Von Minden	Wagner	Warner

Present and not voting, 7:

Beyer	Chambers	Chronister	Clark	Newell
Peterson, R.	Wiitala			

Excused and not voting, 6:

Fenger	Hoagland	Lamb	Pappas	Vickers
Withem				

The Chambers amendment lost with 16 ayes, 20 nays, 7 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. V. Johnson offered the following amendment:
(Amendment on file in the Clerk's Office - AM1535.)

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 411.

SELECT FILE

LEGISLATIVE BILL 259. Mr. V. Johnson renewed his pending amendment, AM1535, found in this day's Journal.

The V. Johnson amendment was adopted with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

Messrs. Chambers and Hoagland offered the following amendment:
AM1538

(Amendments to AM1535)

1. On page 39, strike beginning with "with" in line 17 through "licenses" in line 18.

2. On page 40, in line 12, strike "and"; in

line 18 strike the underscored period and insert an underscored semicolon; and after line 18 insert a new subdivision as follows:

"(7) To regulate lotteries conducted by counties, cities, and villages pursuant to section 28- 1116 to insure fairness, equity, and uniformity.".

3. Insert a new section as follows:

"Sec. 60. That section 28-1116, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1116. Any county, city, or village may establish and conduct lotteries when the proceeds of such lotteries are used for community betterment purposes and the awarding of prizes to participants. Such lotteries shall be subject to regulation by the Nebraska Bingo and Pickle Card Regulatory Commission. No county, city, or village shall establish and conduct such a lottery until such course of action has been approved by a majority of the registered voters of such county, city, or village casting ballots on the issue at a regular election or a special election called for the purpose of considering such action.".

4. On page 44, line 15, strike "and 28-1115" and insert "28-1115, and 28-1116".

5. Renumber remaining sections and internal references accordingly.

The Chambers-Hoagland amendment was adopted with 26 ayes, 6 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 259A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 429. E & R amendments, AM5136, found in the Journal on page 2359 for the Eighty-Fifth Day were adopted.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 27 ayes, 7 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 118A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 239. Mr. Newell asked unanimous consent to withdraw his pending amendment, AM1189, printed separate and referred to in the Journal on page 1701. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 583. E & R amendment, AM5162, found in the Journal on page 2191 for the Eighty-First Day was adopted.

Miss Kilgarin requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 30 ayes, 2 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 159. E & R amendments, AM5161, found in the Journal on page 2185 for the Eighty-First Day were adopted.

Mr. Vickers asked unanimous consent to withdraw his pending amendment found in the Journal on page 2149. No objections. So ordered.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 626 in the Journal. No objections. So ordered.

Strike the Beutler Amendment to LB 626 printed on page 2365 of the Journal. (AM1380)

ATTORNEY GENERAL'S OPINION

Opinion No. 118
May 19, 1983

Dear Senator Nichol:

This is in response to your request of May 13, 1983, which pertains to LB 126 of the Eighty-Eighth Legislature, First Session (1983). That legislative bill is an act to provide a work-study program for certain students at certain postsecondary educational institutions. Section 5 of LB 126 requires the Nebraska Coordinating Commission for Postsecondary Education to allocate any appropriation made to implement this legislative bill as follows:

The commission shall allocate the appropriation for the

program among all eligible postsecondary institutions as defined in subdivision (4) of section 2 of this act in the ratio that the total full-time enrollment of Nebraska residents in each eligible individual institution multiplied by the average cost of attendance, as defined by 34 CFR section 675, for the various institutional budget categories, of a single dependent resident at the eligible postsecondary institution, bears to the sum of all eligible individuals multiplied by the average cost of attendance at their respective eligible institutions.

You have inquired, if basing the above-quoted allocations upon the average cost of attendance as defined by 34 C.F.R. §675, violates any provisions of the Nebraska Constitution.

The latest edition of Title 34 of the Code of Federal Regulations that we have access to was revised as of July 1, 1982. There is no section 675 published therein. Thus, unless there is a later edition of Title 34 of the Code of Federal Regulations which contains a section 675, it would appear that the citation thereto in Section 5 of LB 126 renders this section ambiguous. Consequently, it would also appear that there is no legal way in which the Nebraska Coordinating Commission for Postsecondary Education could allocate any appropriation made to implement this legislative bill in the event it became law.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM/cmb/4
cc: Patrick J. O'Donnell
Clerk of the Legislature

SELECT FILE

LEGISLATIVE BILL 193. Mr. Beutler renewed the pending amendment, AM0808, found in the Journal on page 1074.

Mr. Beutler moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Beutler requested a roll call vote on the amendment.

Voting in the affirmative, 15:

Abboud	Carsten	Chronister	Eret	Fowler
Goodrich	Haberman	Kilgarin	Lamb	Morehead
Newell	Pirsch	Remmers	Vickers	Wesely

Voting in the negative, 18:

Barrett	Clark	Cullan	DeCamp	Hannibal
Hefner	Jacobson	Johnson, R.	Johnson, V.	Kahle
Landis	Lundy	Rupp	Schmit	Sieck
Von Minden	Wagner	Warner		

Present and not voting, 11:

Beutler	Beyer	Chambers	Goll	Higgins
Johnson, L.	Marsh	Nichol	Peterson, H.	Peterson, R.
Wiitala				

Excused and not voting, 5:

Fenger	Hoagland	Labedz	Pappas	Withem

The Beutler amendment lost with 15 ayes, 18 nays, 11 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Beutler renewed the pending amendment, AM0842, found in the Journal on page 1075.

The Beutler amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Messrs. Schmit and Goodrich asked unanimous consent to print the following amendment to LB 599 in the Journal. No objections. So ordered.

AM1541

(Amendments to Final Reading Copy)

1. On page 4, line 20, strike "The" and insert "(1) Except as provided in subsection (2) of this section, the"; and in line 23 strike "(1)" and insert "(a)".

2. On page 5 renumber subdivisions (2) to (7) as (b) to (g) respectively.

3. On page 6 renumber subdivisions (8) and (9) as (h) and (i) respectively.

4. On page 7, line 4 strike "(10)" and insert "(j)"; and after line 9 insert the following new subsection:

"(2) If the acquisition of the target company's securities is subject to the requirements of section (13)(d) of the Securities Exchange Act of 1934, the offeror may file a signed copy of the statements and disclosures prescribed in such act in lieu of the information specified in subsection (1) of this section.".

5. On page 8, line 4, after the semicolon insert "and"; strike lines 5 through 10; in line 11 strike "(4)" and insert "(3)"; in line 17 after "8-1118" insert ", except that such liabilities, penalties, and remedies shall only apply with respect to offers to or purchases from residents of the State of Nebraska"; and in line 19 after "8-1116" insert "with respect to transactions in the State of Nebraska".

6. On page 9, line 4, after the period insert "Any injunction issued under this act may only enjoin offers to or purchases from Nebraska residents pursuant to a takeover bid.".

SELECT FILE

LEGISLATIVE BILL 124. E & R amendments, AM5133, found in the Journal on page 1810 for the Seventy-Third Day were adopted.

Mr. Wesely renewed his pending amendment, AM1337, found in the Journal on page 2222.

The Wesely amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Miss Kilgarin offered the following amendment:
AM1284

1. Insert the following new sections:

"Section 1. That section 66-1020, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-1020. The actual value of any improvement designed primarily for energy conservation installed after November 11, 1980, but on or before ~~December 31, 1985~~ July 17, 1982, shall be exempt from taxation for a period of five years from the date of installation if an application for such exemption was made and qualifies

pursuant to section 66-1021 on or before July 17, 1982.

Sec. 12. Sections 66-1019 to 66-1028, Reissue Revised Statutes of Nebraska, 1943, are hereby revived.".

2. On page 14, line 1, after "sections" insert "66-1020,".

3. Renumber remaining sections accordingly.

The Kilgarin 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.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 19, 1983, at 3:10 p.m., was the following bill: 411.

(Signed) Pamela Moravec, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 17, 146, 356, and 408.

Correctly Engrossed

The following bills was correctly engrossed: 447.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 17

The following changes, required to be reported for publication in the Journal, have been made:
ER0121

1. On page 5, line 4, "computer" has been inserted after "packaged".

Enrollment and Review Change to LB 447

The following changes, required to be reported for publication in the Journal, have been made:
ER0119

1. In the E & R amendment, page 1, line 15 "and" has been stricken; and in line 18, ", and section 25-1531, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, LB 107, Eighty-eighth Legislature, First Session, 1983" has been inserted after "1982".

2. On page 1, beginning with "rules" in line 1 through "proceedings" in line 3 the matter has been stricken and "for service of summons and personal jurisdiction" has been inserted; beginning with "state" in line 5 through "severability" in line 7 the matter has been stricken and "change duties relating to notice as prescribed; to provide duties for the Revisor of Statutes" has been inserted.

(Signed) Tristi J. Wilson
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 615. E & R amendment, AM5157, found in the Journal on page 2114 for the Seventy-Ninth Day was adopted.

Messrs. Clark and DeCamp asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schmit asked unanimous consent to withdraw his pending amendment, AM1416, found in the Journal on page 1996. No objections. So ordered.

Mr. Warner asked unanimous consent to withdraw his pending amendment found in the Journal on page 2215. No objections. So ordered.

Mr. Warner renewed his pending amendment found in the Journal on page 2331.

The Warner amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner renewed his pending amendment found in the Journal on page 2329.

The Warner 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:

1. In the Standing Committee amendments to LB 615 (AM1260), on page 2, in line 17, strike "12,071,842", show as stricken and insert "12,068,842"; in line 19, strike "34,340,242", show as stricken and insert "34,337,242", on page 3, in line 4, strike "76,754,610" and insert "76,738,610"; in line 7, strike "245,633,758" and insert "245,617,758"; in line 12, strike "76,754,610" and insert "76,738,610", on page 7, in line 10, strike "93,364,469" and insert "93,345,469"; in line 13, strike "287,184,424" and insert "287,165,424".

2. Insert the following new section. "Sec. _____. There is hereby appropriated nineteen thousand dollars from the General Fund for the period of July 1, 1983, to June 30, 1984, to the Foster Care Review Board, for Program 116.

3. Renumber the remaining sections accordingly.

The Marsh 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.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. DeCamp asked unanimous consent to have his name added as co-introducer to LB 259. No objections. So ordered.

MOTION - Override Governor's Line Item Veto on LB 628

Mr. Warner moved pursuant to Rule 6, Section 14, the Appropriations Committee, by majority vote, moves that the Legislature override the Governor's line-item reduction which reduces the appropriation for Agency 13 - State Department of Education, Program 508 - School Assistance and Support, in Section 11 of LB 628.

Laid over.

REPORT ON LB 628 AND LB 630

Mr. Warner announced that pursuant to Rule 6, Section 14, the Appropriations Committee has reviewed the Governor's line-item vetoes to LB 628 and LB 630. Pursuant to this review, the Appropriations Committee by majority vote has decided to recommend that the Legislature override the line-item reduction in LB 628 to the State Department of Education, Program 508 - School Assistance and Support, which includes the appropriation of $1,236,287 General Funds for drivers education program reimbursement pursuant to 60-409.02, R.R.S., 1943, as amended.

The Appropriations Committee by majority vote has decided to not recommend that the Legislature override the line-item reductions in LB 630.

VISITORS

Visitors to the Chamber were 35 students and teachers from Arlington; former Senator Tom Kennedy; 25 students and teacher from Blair Central, Blair; 12 students and teacher from Blair Public School, Blair; Senator Lundy's wife, Doris, from Kearney; Margaret Larsen from Kearney; and Senator Kahle's son and daughter-in-law, Alton and Kathy, and their child, Andria.

ADJOURNMENT

At 4:25 p.m., on a motion by Speaker Nichol, the Legislature adjourned until 8:30 a.m., Friday, May 20, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-SEVENTH DAY - MAY 20, 1983

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

EIGHTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 20, 1983

Pursuant to adjournment, the Legislature met at 8:34 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Rev. Stewart Firnhaber, Chaplin at Lincoln Correctional Center, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Fenger and Mrs. Labedz who were excused; and Messrs. Beutler, Chambers, Fowler, V. Johnson, Kahle, Newell, Schmit, Wiitala, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2397, line 16, strike "16" and insert "26".
The Journal for the Eighty-Sixth Day was approved as corrected.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 27. Placed on Select File as amended.
AM5166

1. On page 1, line 1, strike "section" and insert "sections" and after "77-2715.01" insert "and 77-2734"; in line 4 after the semicolon insert "to change the corporate franchise tax as prescribed;"; and in line 5 strike "section" and insert "sections".

2. The second Hefner amendment is to the original bill.

(Signed) Rod Johnson, Chairperson

PRESIDENT MCGINLEY PRESIDING

RESOLUTIONS

LEGISLATIVE RESOLUTION 203. Read. Considered.

LR 203 was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 204. Read. Considered.

LR 204 was adopted with 35 ayes, 0 nays, and 14 not voting.

UNANIMOUS CONSENT - Member Excused

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 632. E & R amendment, AM5164, found in the Journal on page 2360 for the Eighty-Fifth Day was adopted.

Mr. Wesely offered the following amendment:
1. Insert the following new section:

"Sec. 4. The department of Personnel, in coordination with the Risk Manager, the University of Nebraska Board of Regents, the State College Board of Trustees, and employee representatives, shall study all employee health insurance programs for state employees, including the employees of state agencies, the University of Nebraska, and the state colleges. The study shall examine various proposals for containing the cost of employee health insurance and alternatives for the provision of health insurance to employees, including, but not limited to:

(a) current health insurance programs;

(b) copayments and deductibles;

(c) expansion or limitation of services, fees, and reimbursement provided by employee health insurance programs;

(d) negotiation of rates, terms, and conditions of contracts for health provider services;

(e) combining employee health insurance programs;

(f) development of self insurance for employees;

(g) promotion of preventive health care and alternative delivery systems; and

(h) relationship of health benefits for employees to total employee compensation.

The department shall report its findings and recommendations to the Governor and the Legislature no later than January 1, 1984."

2. Renumber sections 4, 5, and 6 as sections 5, 6, and 7 respectively.

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.

LEGISLATIVE BILL 632A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 531. E & R amendments, AM5165, found in the Journal on page 2390 for the Eighty-Sixth Day were adopted.

Mr. Chambers asked unanimous consent to withdraw his pending amendment, AM1403, found in the Journal on page 2365. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 210A. Advanced to E & R for Engrossment.

ANNOUNCEMENT

The President announced today is Senator Beyer's birthday.

GENERAL FILE

LEGISLATIVE BILL 626. Considered.

Mr. Schmit offered the following amendment:
to strike lines 4 and 5 of the Beutler Amendment to LB 626 on Journal page 2363 (AM1393)

Mr. Schmit moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Schmit amendment was adopted with 26 ayes, 14 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. DeCamp offered the following amendment:
In the original bill on page 41, line 4, after "bond" insert "other than bonds issued to finance rental housing projects" and on line 6, after the period insert "No bond issued to finance rental housing projects shall mature more than fifty years from the date of issue."

The DeCamp amendment was adopted with 25 ayes, 6 nays, 13 present and not voting, and 5 excused and not voting.

Mr. Schmit asked unanimous consent to withdraw his pending amendment found in the Journal on page 2400. No objections. So ordered.

Mr. Beutler offered the following amendment:

On page 28, after line 23 insert the following subdivision:

"(4) To insure that at least one- third of any funds made available for industrial development be provided to small businesses. For purposes of this subdivision small business shall mean a business which employs ten employees or less"; in line 24 strike "(4)" and insert "(5)"; and in line 27 strike "(5)" and insert "(6)".

MR. CLARK PRESIDING

The Buetler amendment was adopted with 27 ayes, 3 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Chambers moved to reconsider the adoption of the Schmit amendment.

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. 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 motion to reconsider.

Voting in the affirmative, 15:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Goll	Jacobson	Lamb	Landis
Pirsch	Remmers	Vickers	Von Minden	Warner

Voting in the negative, 26:

Chronister	Clark	Cullan	DeCamp	Eret
Fowler	Goodrich	Haberman	Hannibal	Hoagland
Johnson, R.	Kilgarin	Lundy	Marsh	Morehead

Newell	Nichol	Pappas	Peterson, H.	Rupp
Schmit	Sieck	Wagner	Wesely	Wiitala
Withem				

Present and not voting, 3:

Hefner	Johnson, L.	Peterson, R.

Excused and not voting, 5:

Fenger	Higgins	Johnson, V.	Kahle	Labedz

The Chambers motion to reconsider lost with 15 ayes, 26 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT MCGINLEY PRESIDING

Mr. Schmit 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, 17 nays, 2 present and not voting, and 5 excused and not voting.

MOTION - Override Governor's Line-Item Veto on LB 628

Mr. Wesely moved pursuant to Rule 6, Section 14, that the Legislature override the Governor's line-item reductions to the appropriations in LB 628, except for those line-item reductions shown in Section 11 - Agency No. 13 — State Department of Education, subdivision (4), Program No. 143 - State Aid and School Food Services and Reserve Teacher Act and subdivision (14), Program No. 508 - School Assistance and Support; Section 14 - Agency No. 16 — Department of Revenue, subdivision (2), Program No. 105 - Property Tax Administration; Section 15 - Agency No. 17 — Department of Aeronautics, subdivision (1), Program No. 26 - Development and Enforcement; Section 30 - Agency No. 32 — Board of Educational Lands and Funds, subdivision (1), Program No. 529 - Land Surveys; Section 31 - Agency No. 33 — Game and Parks Commission, subdivision (4), Program No. 549 - Parks - Administration and Operation; Section 71 - Agency No. 78 — Nebraska Commission on Law Enforcement and Criminal Justice,

subdivision (4), Program No. 201 - Crime Victim - Witness Assistance; and Section 75 - Agency No. 83 — Aid to Technical Community Colleges.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Speaker Nichol asked unanimous consent to print the following in the Journal. No objections. So ordered.

CHADRON STATE COLLEGE
Chadron, Nebraska

RESOLUTION TO WITHDRAW FUNDS

WHEREAS, Section 3.10 of Article III of the Student Fees and Facilities Revenue Bonds, Series of 1965, Resolution dated January 1, 1965, states that the Board may expend funds from the Chadron State College Surplus Fund for 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 Chadron State College in order to maintain the maximum use and occupancy of the facilities, and,

WHEREAS, there is on deposit with The First Northwestern Trust Company of Nebraska, Omaha, Nebraska, Trustee, as of February 28, 1983, $284,575.64 in the Surplus Fund, therefore,

BE IT RESOLVED that the Board of Trustees of the Nebraska State Colleges, in compliance with Section 3.10 of Article III of the Resolution dated January 1, 1965, does and hereby directs The First Northwestern Trust Company of Nebraska, Omaha, Nebraska, to pay appropriate orders out of the Series 1965 Surplus Fund for the following:

High Rise	Smoke Detection System	$30,000

CERTIFICATE

I, the undersigned, Richard Bringelson, being duly appointed Secretary of the Board of Trustees of the Nebraska State Colleges, hereby certify that the foregoing Resolution was adopted in a regularly called meeting of March 19, 1983.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 19th day of March, 1983.

(Signed) Richard Bringelson

Board of Trustees of the
Nebraska State Colleges

KEARNEY STATE COLLEGE
Kearney, Nebraska

RESOLUTION TO WITHDRAW FUNDS

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 First Northwestern Trust Company of Nebraska, Omaha, Nebraska, Trustee, as of February 28, 1983, the amount of $958,460.60 in the Series 1966 Surplus Fund, therefore,

BE IT RESOLVED 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 First Northwestern Trust Company of Nebraska, Omaha, Nebraska, to pay appropriate orders out of the Series 1966 Surplus Fund for the following:

Mens Hall	Replace Plumbing	$180,000

CERTIFICATE

I, the undersigned, Richard Bringelson, being duly appointed acting Secretary of the Board of Trustees of the Nebraska State Colleges, hereby certify that the foregoing Resolution was adopted in a regularly called meeting on March 19, 1983.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 19th day of March, 1983.

(Signed) Richard Bringelson
Board of Trustees of the
Nebraska State Colleges

KEARNEY STATE COLLEGE
Kearney, Nebraska

RESOLUTION TO WITHDRAW FUNDS

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 First Northwestern Trust Company of Nebraska, Omaha, Nebraska, Trustee, as of February 28, 1983, the amount of $958,460.60 in the Series 1966 Surplus Fund, therefore,

BE IT RESOLVED 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 First Northwestern Trust Company of Nebraska, Omaha, Nebraska, to pay appropriate orders out of the Series 1966 Surplus Fund for the following:

1) Dormitories	Emergency Lights and Smoke Detectors	$50,000.00
2) Martin Hall	Install Fire Escape	40,000.00
		$90,000.00

CERTIFICATE

I, the undersigned, Richard Bringelson, being duly appointed acting Secretary of the Board of Trustees of the Nebraska State Colleges, hereby certify that the foregoing Resolution was adopted in a regularly called meeting of March 19, 1983.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 19th day of March, 1983.

(Signed) Richard Bringelson
Board of Trustees of the
Nebraska State Colleges

PERU STATE COLLEGE
Peru, Nebraska

RESOLUTION TO WITHDRAW FUNDS

WHEREAS, Section 3.10 of Article III of the Student Fees and Facilities Revenue Bonds, Series of 1964, Resolution dated November 1, 1964, states that the Board may expend funds from the Peru State College Surplus 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 Peru State College in order to maintain the maximum use and occupancy of the facilities, and,

WHEREAS, there is on deposit with The First Northwestern Trust Company of Nebraska, Omaha, Nebraska, Trustee, as of December 31, 1982, a balance of $225,212.59 in the Surplus Fund, therefore,

BE IT RESOLVED that the Board of Trustees of the Nebraska State Colleges, in compliance with Section 3.10 of Article III of the Resolution dated November 1, 1964, does and hereby directs The First Northwestern Trust Company of Nebraska, Omaha, Nebraska, Trustee, to pay appropriate orders out of the Surplus Fund for the following:

Delzell Hall	Tuckpointing	$45,000

CERTIFICATE

I, the undersigned, Richard Bringelson, being duly appointed acting Secretary of the Board of Trustees of the Nebraska State Colleges, hereby certify that the foregoing Resolution was adopted in a regularly called meeting of February 7, 1983.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 7th day of February, 1983.

(Signed) Richard Bringelson
Board of Trustees of the
Nebraska State Colleges

UNANIMOUS CONSENT - Member Excused

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 629 to Select File

Mr. DeCamp moved to return LB 629 to Select File for his specific amendment, AM1465, found in the Journal on page 2147.

Mr. Newell requested a ruling of the Chair on whether the DeCamp amendment is germane to the bill.

The Chair ruled the amendment not germane to the bill.

Mr. Warner moved to return LB 629 to Select File for his specific amendment (1), found in the Journal on page 2367.

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

Mr. Vickers asked unanimous consent to be excused. No objections. So ordered.

The Chair ruled the division of the question out of order.

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 on his motion to return.

Voting in the affirmative, 27:

Abboud	Barrett	Beutler	Beyer	Carsten
Clark	DeCamp	Eret	Goll	Goodrich
Haberman	Hefner	Jacobson	Johnson, L.	Johnson, R.
Lamb	Lundy	Morehead	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Schmit	Wagner
Warner	Wesely			

Voting in the negative, 12:

Chambers	Chronister	Cullan	Fowler	Hoagland
Kilgarin	Landis	Marsh	Newell	Remmers
Rupp	Sieck			

Present and not voting, 4:

Hannibal	Von Minden	Wiitala	Withem

Excused and not voting, 6:

Fenger	Higgins	Johnson, V.	Kahle	Labedz
Vickers				

The Warner motion to return prevailed with 27 ayes, 12 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 629. The Warner specific amendment (1) found in the Journal on page 2367 was adopted with 25 ayes, 12 nays, 5 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Withdraw Amendment to LB 629

Mr. Warner asked unanimous consent to withdraw his pending amendment (2) found in the Journal on page 2367 to LB 629. No objections. So ordered.

MOTION - Return LB 629 to Select File

Mr. Warner moved to return LB 629 to Select File for the following specific amendment:

1. On page 4, in lines 18, 19 and 21, strike "536,183" and insert "1,057,167"; after the period in line 23, insert "The provisions in subdivision (3) of section 24, Legislative Bill 628, Eighty-eighth Legislature, First Session, 1983, that $7,700,045 General Funds and $13,095,840 Federal Funds shall only be used for county administration purposes and that no expenditures shall be made from appropriations for county administration shall be null and void and the total expenditures for permanent and temporary salaries and per diems for state employees shall be increased by $18,034,983."

2. On page 4, strike lines 24 through 27; on page 5, strike lines 1 through 27; and on page 6, strike lines 1 through 9.

3. After the new matter inserted after the period in line 23, insert the following new section:

"Sec. _____. Agency No. 26 — Department of Public Welfare

(1) Program No. 347 - Public Assistance

GENERAL FUND 4,067,287

PROGRAM TOTAL 4,067,287

There is included in the appropriation to this program $4,067,287 General Funds to fund state assumption of county welfare costs as provided for in Laws 1982, LB 522.

The Cash Fund appropriation to this program shall be decreased by $150,175 due to the state assumption of county welfare costs.

(2) Program No. 348 - Medical Assistance Program

GENERAL FUND 19,363,708

PROGRAM TOTAL 19,363,708

There is included in the appropriation to this program $19,363,708 General Funds to fund state assumption of county welfare costs as provided for in Laws 1982, LB 522.

The Cash Fund appropriation to this program shall be decreased by $17,766,234 due to the state assumption of county welfare costs.

The appropriations in this section shall be null and void if Legislative Bill 604, Eighty-eighth Legislature, First Session, 1983, becomes law."

Messrs. Chronister, Wesely, and Hoagland asked unanimous consent to be excused until they return. No objections. So ordered.

The Warner motion to return prevailed with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 629. The Warner specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 629 to Select File

Mr. Warner moved to return LB 629 to Select File for his specific amendment (3) found in the Journal on page 2368.

The Warner motion to return prevailed with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 629. The Warner specific amendment (3) found in the Journal on page 2368 was adopted with 27 ayes, 1 nay, 12 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 629 to Select File

Mr. Warner moved to return LB 629 to Select File for his specific amendment (4) found in the Journal on page 2368.

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

The Warner motion to return prevailed with 26 ayes, 4 nays, 10 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 629. The Warner specific amendment (4) found in the Journal on page 2368 was adopted with 26 ayes, 6 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 629 to Select File

Mrs. Marsh moved to return LB 629 to Select file for the following specific amendment:
to reinstate sec 5 of the original bill.

Mrs. Marsh requested a roll call vote on her motion to return.

Voting in the affirmative, 23:

Beyer	Carsten	Chambers	Chronister	Cullan
Eret	Fowler	Higgins	Hoagland	Johnson, R.
Kilgarin	Landis	Lundy	Marsh	Morehead
Newell	Remmers	Rupp	Schmit	Sieck
Warner	Wesely	Withem		

Voting in the negative, 9:

Abboud	Goodrich	Hefner	Johnson, L.	Nichol
Pappas	Peterson, H.	Pirsch	Wagner	

Present and not voting, 11:

Barrett	Beutler	Clark	DeCamp	Goll
Haberman	Hannibal	Jacobson	Lamb	Peterson, R.
Von Minden				

Excused and not voting, 6:

Fenger	Johnson, V.	Kahle	Labedz	Vickers
Wiitala				

The Marsh motion to return lost with 23 ayes, 9 nays, 11 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 119

May 19, 1983

Dear Senator Wesely:

You have asked for our opinion on whether or not you may amend LB 371A to provide for a salary increase for state employees.

Due to the time constraints under which we operate in responding to your letter, extensive research and citation is not possible. We may, however, set out certain points. LB 371A is entitled the bill to fund the provisions of LB 371. LB 371 is entitled an act relating to the support and protection of certain parties and to amend enumerated statutes to authorize ex parte orders and to modify the provisions relating to temporary child support, and define and redefine terms to authorize attorneys to enforce child support efforts as prescribed and to provide severability and to repeal the original sections. Substantially LB 371 deals with child support enforcement.

We believe that LB 371A would not be a proper vehicle for a raise for state employees for several reasons. They are: (1) that such an amendment would not be germane to the title or purpose of LB 371A or LB 371; (2) LB 371A is not an appropriations bill as contemplated by the Constitution for the purpose of funding state government operations; and (3) "A" bills traditionally have served a function in the legislative process of funding new programs or duties that were not in existence prior to their adoption in the companion bill.

For all of the above reasons, we believe that an amendment to LB 371A which has as its purpose the appropriation of money to the various state departments for the purpose of granting salary increases would be unconstitutional.

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

PTO/cmb/f4
cc: Patrick J. O'Donnell
Clerk of the Legislature

May 19, 1983

Dear Senator Warner:

You ask for our advice on certain questions relating to the legislative authority in overriding line item vetoes made by the Governor. You post the following question: "Is the Legislature authorized to override a portion of the $173,392 reduction by moving

to override item No. 17 and restore only $125,000 of the amount reduced?" In connection with your question you refer to Agency 72, the Department of Economic Development, Program No. 604, which appears in Section 66 of LB 628. In that bill, the Legislature had appropriated $2,099,016. The Governor struck that amount and inserted the amount $1,925,624, a reduction of $173,392. Further, in your letter you state that "the Governor's line item veto of the $173,392, included the following items: No. 1 - Eliminate Salary Increase; No. 2 - Eliminate Appropriations Committee Percentage Operating Increases; and No. 17 - Economic Development Addition of $125,000." The numbers to which you refer (1, 2 and 17) are contained in an attachment to the Governor's veto message. In that connection, you have provided to us a copy of the Governor's veto message and the listing of cuts made.

The first item shown on the attachment shows the total salary increases eliminated by the Governor through the line item veto. The second entry shows the total operating increases eliminated through the line item veto. In both cases, these are the total sums separately reduced in the bill for various state agencies and the University and State Colleges. There follows a listing of 14 separate line item vetoes. The last item is the Economic Development Addition veto. With this background, we examine the provisions of the Constitution. Article IV, Section 15 provides in part:

> Every bill passed by the Legislature, before it becomes a law, shall be presented to the Governor. If he approves he shall sign it, and thereupon it shall become a law, but if he does not approve or reduces any item or items of appropriations, he shall return it with his objections to the Legislature, which shall enter the objections at large upon its journal, and proceed to reconsider the bill with the objections as a whole, or proceed to reconsider individually the item or items disapproved or reduced.

Article III, Section 25, in part provides: "No allowance shall be made for the incidental expenses of any state officer except the same be made by general appropriation and upon an account specifying each item. No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law, . . ." Article IV, Section 7, requires the Governor to present a complete and itemized budget of the financial conditions of all departments, institutions and agencies of the state.

The Legislature has seen fit to adopt an appropriations bill format which appropriates money by programs. At earlier times, the Legislature has adopted an appropriations bill having specific items listed for each agency rather than program totals. For example, see LB 455, Seventy-Third Legislature (1963), Chapter 330, page 995 of the session laws. In that bill, for example, in providing for the

Governor's Office, there are 11 separate entries appropriating various sums for various purposes. In contrast, LB 628 in Section 5, Program No. 21, the Governor's Office has one entry appropriating $375,425.

Going back then to the provisions of the Constitution, the question which faces us is what constitutes an "item or items." It is our opinion that an item or items must refer to the appropriations bill. As such, we believe that the Legislature can look only to the appropriations bill itself. Thus, each separate entry is an item. This interpretation accords with the definition of "item" in many cases. See, for example, Green v. Rawls, 122 So.2d 10 (Fla. 1960). The election is for the Legislature. It can go into as much detail as it desires. We then look to the terms of LB 628 and the example to which you have directed us on page 99 of LB 628, $52,099,016 is appropriated for Program No. 604. That is lined out and $1,925,624 is written in along with the initials of the Governor. Other items in this program were left unchanged. The program total, $2,732,579 is lined out by the Governor. Written in along with his initials is $2,559,187. The difference in both instances is the amount $173,392.

The line item veto provision of Article IV, Section 15, authorizes the Legislature to consider the bill with objections as a whole or proceed to reconsider individually the item or items disapproved or reduced. We take this language to mean that the Legislature has two methods of overriding the Governor's veto. One is to vote on the question shall LB 628 be passed over the Governor's veto with all stricken amounts restored. The other is for the Legislature to go through the bill and determine whether each, some or any of the lined out amounts should be restored.

While there may be separate amounts set forth for any particular program, to the extent that a single number has been changed by the Governor, we do not believe that the Legislature may break down such single entries into the various components which may make up that particular entry in LB 628 or other appropriations bills. Thus, our answer to your question with respect to Program No. 604, is that the Legislature may restore all of the $173,392 by the constitutionally required vote or the item remains as vetoed by the Governor at $1,925,624.

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

PTO/cmb/f3
cc: Patrick J. O'Donnell
Clerk of the Legislature

VISITORS

Visitors to the Chamber were 25 students and teacher from Rosewater School, Omaha; 25 seventh grade students and teachers from Dawes School, Lincoln; 37 eighth grade students and teachers from Marrs Junior High, Omaha; 46 fourth grade students and teachers from Norris Elementary, Omaha; 9 students and teacher from Ong; 11 senior citizens from Clarks and Silver Creek; 50 Junior High students and teacher from Marrs, Omaha; Steve Russell from Kodiak, Alaska; and Stacy, Thad, and Chip Gossett from Blair.

RECESS

At 12:03 p.m., on a motion by Mr. Lundy, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., President McGinley presiding.

ROLL CALL

The roll was called and all members were present except Mr. Fenger, and Mrs. Labedz who were excused; and Messrs. Beutler, Cullan, Haberman, V. Johnson, Newell, Wiitala, and Mrs. Marsh who were excused until they arrive.

REPORT OF EXECUTIVE BOARD

The following is a correction to the Executive Board Report as printed in the Eighty-Sixth Day's Journal:
Banking, Commerce and Insurance
10. LR 169 - Deals with financial aspects and solvency of SIDs.

RESOLUTION

LEGISLATIVE RESOLUTION 205.

Introduced by Wagner, 41st District.

WHEREAS, the year 1983 is the centennial year of Loup County, Nebraska, and

WHEREAS, Loup County was given its name on July 23, 1883, and was so named in honor of the Pawnee Loup Indians; and

WHEREAS, the territory which is now Loup County was known

as Taylor County from 1855 until 1883, and has a rich pioneer heritage; and

WHEREAS, Loup County is nourished by the waters of two of Nebraska's great rivers, the North Loup and the Calamus; and

WHEREAS, Loup County is and has been the home of many outstanding Nebraskans, including two former state senators, W. M. Taylor and A. C. Van Diest, and Edward H. Taylor, who came to the area in 1876 and for whom the county seat, Taylor, is named; and

WHEREAS, the people of Loup County deserve recognition for the contributions they and their forebears have made to the history and settlement of Nebraska and the Sandhills through the past one hundred years.

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

1. That the Legislature acknowledges the efforts and achievements of the pioneers who settled Loup County and the past and present residents of the county who continue that heritage and spirit.

2. That the Legislature congratulates and extends best wishes to the people of Loup County on this great occasion.

3. That the Legislature recognizes and commends Loup County for its one hundredth anniversary.

Laid over.

MOTION - Return LB 629 to Select File

Mr. Sieck moved to return LB 629 to Select File for the following specific amendment:

Add the following new section:

"Sec. _____ Agency No. 17 — Department of Aeronautics

Program No. 26 - Development and Enforcement

General Fund 6,815

Program Total 6,815

There is included in the appropriation to this program $6,815 General Funds for Civil Air Patrol state aid."

Renumber remaining sections accordingly.

The Sieck motion to return prevailed with 27 ayes, 2 nays, 12 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 629. The Sieck specific amendment found in this day's Journal was adopted with 26 ayes, 2 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 118A, 159, 193, 239, 429, and 583.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 159

The following changes, required to be reported for publication in the Journal, have been made:
ER0126

1. On page 14, line 1, an underscored comma has been inserted after "bonds".

Enrollment and Review Change to LB 239

The following changes, required to be reported for publication in the Journal, have been made:
ER0122

1. In the DeCamp amendments, AM1364, page 1, line 18, a comma has been inserted after "1983".

2. In the E & R amendments, page 1, line 2, "industrial loan and investment companies" has been struck and "financial institutions" inserted; in line 6 "and" has been stricken; in line 9 ", and sections 2 and 3, Legislative Bill 241, Eighty-eighth Legislature, First Session, 1983" has been inserted after "1983"; and in line 11 "a term;" has been struck and "terms; to change provisions relating to the acquisition of financial institutions as prescribed;" has been inserted.

3. On page 1, line 4, "of industrial loan and investment companies" has been inserted after "directors".

4. On page 3, line 21, "2" has been stricken and "6" inserted.

(Signed) Tristi J. Wilson
E & R Attorney

ATTORNEY GENERAL'S OPINION

Opinion No. 121
May 19, 1983

Dear Senator Pirsch:

You have asked whether it is necessary for the Legislature to pass an appropriations bill to fund LB 269.

LB 269 is a bill which amends Neb.Rev.Stat. §24-201.01 (Reissue 1979). In this bill, the salary of the judges of the Supreme Court is increased as soon as the same may be paid by five percent. It also increases annually in January of 1984, 1985 and 1986, the salary of the Supreme Court judges by five percent. The companion bill to LB 269A by virtue of receiving an insufficient number of votes failed to pass. That bill was an appropriation from the general fund of the funds necessary to provide for the increases mandated in LB 269. In your letter you have referred to two previous opinions regarding similar questions issued by this office. Opinion No. 251, dated April 16, 1982; and Opinion No. 57, Report of the Attorney General 1957-58. You indicate your belief that these opinions do not answer the question you pose.

We adhere to the views expressed in those prior opinions. As you correctly point out, those opinions were dealing with salaries of the Commissioner of Education in case of Opinion No. 57, and in the case of Opinion No. 251 judges salaries. You attempt to draw the distinction between the fact that the Commissioner of Education salary is set by the Board of Education and the cases relied upon in our earlier opinions dealt with officers whose salary was set at a specific amount by the Constitution itself. Indeed, Weston v. Herdman, 64 Neb. 24, 89 N.W. 384 cited in our opinion, dealt with the salary of the Clerk of the Supreme Court. In that case, the constitutional provision provided that the official salary shall be fixed by law not to exceed $1,500 per annum. The Legislature failed to fix any salary for that office. The Supreme Court held in that case that by virtue of their failure to act the Legislature had acquiesced in the salary of $1,500 for the clerk. In the current instance the constitutional provision simply states that the judges shall be paid in an amount to be determined by the Legislature. See, Article V, Section 13.

By adopting LB 269, the Legislature has determined the amount to be paid to the Supreme Court judges. In addition, the Legislature adopted LB 111, Eighty-Seventh Legislature, First Session (1981). In that bill, the Legislature established the rates of salary for judges of the district court, the county court, the municipal court, and the workmen's compensation court. This bill established those judges salaries at a percentage of that set for the Supreme Court. Having enacted a statute which sets the level at which judges are to be paid, the Legislature thereby met the constitutional command. The reasoning of the cases cited in our earlier opinions and the Supreme court cases cited therein, make clear that once this is done then even though there is a failure of the Legislature to appropriate funds, those salaries must be paid by virtue of their constitutional status.

It is therefore our opinion that the Legislature is not required to adopt an appropriations bill before the salaries for these judges as set forth in LB 269 and LB 111 of 1981 may be paid.

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

PTO/cmb/f5
cc: Patrick J. O'Donnell
Clerk of the Legislature

MOTION - Return LB 629 to Select File

Miss Kilgarin, Mrs. Marsh, Messrs. Landis, Lundy, Wiitala, Sieck, Vickers, Pappas, Rupp, Wesely, and Warner moved to return LB 629 to Select File for the following specific amendment:

1. Insert the following new section:

"Sec. 13. there shall be appropriated to each agency, board, commission, and other public bodies the equivalent of an average salary increase of two and one half per cent for state employees effective July 1, 1983.".

2. Motion: The E & R attorney in cooperation with the Legislative Fiscal Office shall provide an appropriation with appropriate numbers for all state agencies, boards, commissions, for whom a state appropriation is made to reflect this amendment.

3. Renumber the remaining sections accordingly.

Mr. Wagner asked unanimous consent to be excused until he returns. No objections. So ordered.

Miss Kilgarin moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Miss Kilgarin requested a roll call vote on the motion to return.

Voting in the affirmative, 23:

Beutler	Beyer	Carsten	Chambers	Chronister
Eret	Fowler	Higgins	Hoagland	Johnson, R.
Johnson, V.	Kilgarin	Landis	Lundy	Marsh
Morehead	Rupp	Schmit	Sieck	Vickers
Warner	Wesely	Wiitala		

Voting in the negative, 20:

Abboud	Barrett	Clark	Cullan	DeCamp
Goll	Goodrich	Hannibal	Hefner	Jacobson
Johnson, L.	Kahle	Lamb	Nichol	Pappas
Peterson, H.	Peterson, R.	Remmers	Von Minden	Withem

Present and not voting, 2:

Haberman Pirsch

Excused and not voting, 4:

Fenger Labedz Newell Wagner

The Kilgarin et al motion to return lost with 23 ayes, 20 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wiitala moved to reconsider the Marsh motion to return LB 629 to Select File for a specific amendment:
Reinstate original section 5.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The Wiitala motion to reconsider prevailed with 27 ayes, 6 nays, 11 present and not voting, and 5 excused and not voting.

MOTION - Return LB 629 to Select File

Mr. Wiitala and Mrs. Marsh moved to return LB 629 to Select File for the following specific amendment:
reinstate original section 5 of LB 629.

The motion to return prevailed with 27 ayes, 5 nays, 12 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 629. The Wiitala-Marsh specific amendment found in this day's Journal was adopted with 26 ayes, 6 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 206.

Introduced by Fowler, 27th District.

WHEREAS, federal budget decisions affect all Nebraska citizens; and

WHEREAS, such decisions determine national program priorities and tax rates at all levels; and

WHEREAS, ballooning defense spending reduces money available for social service programs when many Nebraskans are suffering the effects of a poor economy; and

WHEREAS, studies indicate that money spent for defense projects create fewer jobs than money spent in other areas; and

WHEREAS, escalating deficit spending only delays the goal of a balanced budget while making the situation worse.

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

1. That the Legislature urges the federal government to reduce our nation's current defense spending levels.

2. That the Legislature encourages the federal government to adopt and support budget policies which will maintain quality social services programs.

3. That the Legislature urges the federal government to begin reduction of the budget deficit in the coming budget year.

Laid over.

MOTION - Return LB 244 to Select File

Mr. Warner moved to return LB 244 to Select File for his specific amendment, AM1492, found in the Journal on page 2251.

The motion to return prevailed with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 244. The Warner specific amendment, AM1492, found in the Journal on page 2251 was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 370 to Select File

Messrs. Landis, Vickers, L. Johnson, and Mrs. Morehead moved to return LB 370 to Select File for their specific amendment, AM1464, printed separate from the Journal and referred to on page 2215.

The motion to return prevailed with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 370. The Landis et al specific amendment, AM1464, printed separate from the Journal and referred to on page 2215 was adopted with 25 ayes, 2 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 210 to Select File

Mr. DeCamp moved to return LB 210 to Select File for his specfic amendment, AM1403, found in the Journal on page 2319.

Mr. DeCamp asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

The Chair declared the Call raised.

Mr. Lamb asked unanimous consent to be excused. No objections. So ordered.

MOTION - Return LB 118 to Select File

Mrs. Morehead moved to return LB 118 to Select File for the specific amendment, AM1487, found in the Journal on page 2300.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 10 nays, and 17 not voting.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Morehead moved for a Call of the House. The motion prevailed with 13 ayes, 4 nays, and 32 not voting.

Mrs. Morehead requested a roll call vote on the motion to return.

Voting in the affirmative, 25:

Beutler	Chronister	Cullan	Eret	Fowler
Goll	Goodrich	Haberman	Hannibal	Hefner
Higgins	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Landis	Morehead	Newell	Nichol	Pappas
Pirsch	Rupp	Sieck	Wiitala	Withem

Voting in the negative, 18:

Barrett	Beyer	Carsten	Chambers	Clark
DeCamp	Hoagland	Jacobson	Johnson, L.	Lundy
Peterson, H.	Peterson, R.	Remmers	Schmit	Vickers
Von Minden	Warner	Wesely		

Present and not voting, 1:

Marsh

Absent and not voting, 1:

Abboud

Excused and not voting, 4:

Fenger	Labedz	Lamb	Wagner

The Morehead et al motion to return prevailed with 25 ayes, 18 nays, 1 present and not voting, 1 absent and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 118. The Morehead et al specific amendment, AM1487, found in the Journal on page 2300 was considered.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mrs. Morehead requested a roll call vote on the amendment.

Voting in the affirmative, 24:

Beutler	Chronister	Cullan	Eret	Fowler
Goll	Goodrich	Hannibal	Hefner	Higgins
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Landis
Morehead	Newell	Nichol	Pappas	Pirsch
Rupp	Sieck	Wiitala	Withem	

Voting in the negative, 17:

Abboud	Barrett	Beyer	Carsten	Chambers
Clark	DeCamp	Hoagland	Johnson, L.	Lundy
Peterson, H.	Peterson, R.	Remmers	Schmit	Vickers
Warner	Wesely			

Present and not voting, 4:

Haberman	Jacobson	Marsh	Von Minden

Excused and not voting, 4:

Fenger	Labedz	Lamb	Wagner

The Morehead et al amendment lost with 24 ayes, 17 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Advanced back to Final Reading.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 604 and 615.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 604
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0125

1. In the Kahle amendment, AM1493, adopted on May 19:

(a) On page 2, line 26, after the first comma "~~68-115,~~" has been inserted; and

(b) On page 3, lines 5 through 7 have been stricken; in line 16 "2" has been stricken and "3" inserted; in line 17 "8" has been stricken and "9" inserted; in line 18 after the semicolon "and" has been inserted and "10" has been stricken and "11" inserted; and the matter beginning with the semicolon in line 19 through the last quotation mark in line 21 has been stricken.

Enrollment and Review Change to LB 615

The following changes, required to be reported for publication in the Journal, have been made:
ER0124

1. In lieu of the Warner and Marsh insertions to page 3, lines 4, 7, and 12 of AM1260, "76,784,208" has been inserted in line 4, "247,123,117" has been inserted in line 7, and "76,784,208" has been inserted in line 12.

2. In lieu of the Warner and Marsh insertions to page 7, lines 10 and 13 of AM1260, "93,391,067" has been inserted in line 10 and "288,670,783" has been inserted in line 13.

3. The section added by the Marsh amendment has been numbered section 2 and the section added by the Warner amendment has been numbered section 3, and both sections have been underscored.

4. In the E & R amendment lines 3 and 4 ", relating to appropriations" has been stricken; and in line 4 the comma has been stricken and "; to appropriate certain amounts; to transfer funds;" has been inserted.

5. On page 1, line 1, "relating to funds;" has been inserted after "ACT".

(Signed) Tristi J. Wilson
E & R Attorney

UNANIMOUS CONSENT - Withdraw Amendments to LB 120

Mr. DeCamp asked unanimous consent to withdraw his pending amendments, AM1063, found in the Journal on page 1427 and AM1293 found in the Journal on page 1808 to LB 120. No objections. So ordered.

MOTION - Return LB 120 to Select File

Mr. Warner moved to return LB 120 to Select File for the following specific amendment:
AM1530

(Amendments to Final Reading Copy)

1. Strike sections 2 and 3.

2. On page 1, line 1, strike "39-634.01, 39-634.02,"; in line 2 strike the first comma; and strike beginning with the second "to" in line 5 through the first semicolon in line 8.

3. On page 35, strike lines 1 through 17; and strike beginning with "as" in line 20 through the comma in line 21.

4. On page 39, line 21, strike "39-634.01,"; and in line 22 strike "39-634.02," and strike the second comma.

5. Renumber the remaining sections accordingly.

The motion to return prevailed with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 120. The Warner specific amendment found in this day's Journal was considered.

Mr. Warner moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Warner specific 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.

The Chair declared the Call raised.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 626. Placed on Select File as amended.
E & R amendments to LB 626:
AM5167

1. In the Beutler amendment adopted 5-20-83, in line 7, after "less" insert an underscored semicolon.

2. The section added by the Chambers amendment is numbered section 49.

3. In the Beutler amendment, AM1380, line 2 insert "(4)" before "Nothing".

4. Because amendment 8 of AM1356 was struck

by the DeCamp amendment adopted 5-18, amendment 7 of AM1356 is stricken.

5. In AM1356, page 11, line 3 strike "and strike 'and' "; and in line 4 after "comma" insert "after '66-1005' ".

6. Because of AM1356, page 2, lines 15 to 17, strike the first DeCamp - H. Peterson amendment.

7. On page 1, line 2, after "sections" insert "48-1002 and 48-1220, Reissue Revised Statutes of Nebraska, 1943, and sections 48-1102," and insert a comma after "68-1005"; in line 3 after the semicolon insert "to redefine terms; to change provisions relating to utility loans;"; and in line 10 after "1943," insert "and" and strike the third comma.

8. On page 29, line 13, strike "18" and insert "19".

9. On page 54, line 18 after "1943," insert "and" and strike the third comma.

MOTION - Return LB 224 to Select File

Mr. Betuler moved to return LB 224 to Select File for the following specific amendment:
AM1539

(Amendments to Final Reading Copy)

1. On page 5, line 12, after "continued" insert "but in no event shall the penalty be more than twenty-five per cent of the charge".

The motion to return prevailed with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 224. The Beutler specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 228 to Select File

Mr. Beutler moved to return LB 228 to Select File for the following specific amendment:
AM1526

(Amendments to Final Reading Copy)

1. Strike section 8 and insert the following new section:

"Sec. 2. That section 57-702, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

57-702. (1) Commencing on January 1, 1956, and for each subsequent year, taxes are hereby levied on oil and natural gas severed from the soil of this state, except such oil or gas as is used only in severing operations or for repressuring or recycling purposes. Such taxes shall: (a) Be ~~(1) be~~ paid by (i) the first purchaser, if such oil or natural gas is sold in the state, or (ii) the person severing such oil or gas if such oil or natural gas is sold outside the state; and ~~person engaged in the severing of such oil or natural gas, (2)~~ (b) become due and payable monthly, as provided by ~~sections 57-701 to 57-715~~ Chapter 57, article 7, and sections 6 to 9 of this act. ~~and (3) operate as a first lien on all such resources, which lien shall follow the resources into the hands of third persons, whether in good or bad faith or whether the same are found in a manufactured or unmanufactured state.~~

(2) The state shall have a prior and preferred lien, which shall arise when the tax levied in subsection (1) of this section, is delinquent as provided in section 57-704, for the amount of the taxes, penalties, and interest imposed pursuant to Chapter 57, article 7, and sections 6 to 9 of this act, on:

(a) The oil to which the tax applies that is possessed by the producer, first purchaser, or subsequent purchaser;

(b) The leasehold interest, oil rights, the value of oil rights, and other interests, including oil produced and oil runs owned by a person liable for the tax;

(c) Equipment, tools, tanks, and other implements used on the leasehold from which the oil is produced; and

(d) Any other property not exempt from forced sale owned by the person liable for the tax.

As soon as possible after such lien arises, the Tax Commissioner shall cause such lien to be filed in the office of the county clerk in the appropriate county.

2. On page 1, line 1, after "57-701" insert

", 57-702,".

3. On page 3, lines 5 and 18; page 5, lines 10 and 24 and 25; page 12, lines 8, 15, and 24; page 13, line 2; and page 14, lines 6 and 13; strike "5" and insert "6".

4. On page 15, line 3, after "57-701" insert ", 57-702,".

5. Renumber the remaining sections accordingly.

The motion to return prevailed with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Messrs. Barrett and Wiitala asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 228. The Buetler specific amendment found in this day's Journal was considered.

Mr. Beutler moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Beutler pending amendment was adopted with 25 ayes, 6 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 599 in the Journal. No objections. So ordered.

Strike sections 1 through 14 of final reading copy, renumber sections 15 and 16 as sections 1 and 2 respectively.

VISITORS

Visitors to the Chamber were Mr. and Mrs. Charles Backer from Tekamah; 34 students, teachers, and principal from Ainsworth Elementary School; and 90 students and teachers from Riverview School, Bellevue.

ADJOURNMENT

At 4:08 p.m., on a motion by Mr. Lundy, the Legislature adjourned until 9:00 a.m., Monday, May 23, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-EIGHTH DAY - MAY 23, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH DAY - MAY 23, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

EIGHTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 23, 1983

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

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

ROLL CALL

The roll was called and all members were present except Messrs. Fowler, Haberman, Hoagland, V. Johnson, Lamb, Newell, Rupp, Schmit, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Seventh Day was approved.

APPRECIATION

Received note of appreciation from the family of Darin Ohnstad for expressions of condolence.

MESSAGES FROM THE GOVERNOR

May 20, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 73, 73A, 121, 121A, 90, 90A, 271, 158, 158A, 343, 343A, 18, 18A, 154, 219, 585 and 585A were received in my office on May 16, 1983.

These bills were signed by me on May 20, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

April 27, 1983

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

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Gasohol - Agricultural Products Utilization Committee, requiring legislative confirmation:

Appointee: Don D. Hutchens, General Farming Rep., 539 South 9th Street, Geneva, NE 68361, 759-3635 (h), 759-4765 (w), Succeeds: Jack Quackenbush, Beatrice, Deceased

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Gasohol - Agricultural Products Utilization Committee
Accountability and Disclosure Commission
Don D. Hutchens
Department of Administrative Services
Staff Assistant to the Governor
for Executive Appointments (2 copies)
Nebraska Blue Book

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 203 and LR 204.

RESOLUTION

LEGISLATIVE RESOLUTION 205. Read. Considered.

LR 205 was adopted with 35 ayes, 0 nays, and 14 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 254.

A BILL FOR AN ACT to amend sections 71-5103, 71-5106, 71-5107, 71-5109, 71-5502 to 71-5504, 71-5508 to 71-5517, and 71-5519 to 71-5522, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to change provisions relating to ambulances and ambulance attendants as prescribed; to define and redefine terms; to revise procedures for application for an approved training program and approved service program as prescribed; to provide for certified field supervisors; to change continuing education requirements; to provide for reinstatement of certificates, inspections, and reciprocity as prescribed; to harmonize provisions; to provide for rules and regulations; to provide for a new category of emergency medical technician; to change a penalty; 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:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Remmers	Rupp	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Wiitala

Withem

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 2:

Pirsch Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 254A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 254, Eighty-eighth Legislature, First Session, 1983.

Whereupon the 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:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Remmers	Rupp	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Wiitala
Withem				

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 2:

Pirsch Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 618. With Emergency.

A BILL FOR AN ACT to amend section 68-720, Revised Statutes Supplement, 1982, relating to the Department of Public Welfare; to continue the limitation on certain vendor payments; 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Remmers	Rupp	Vickers
Von Minden	Wagner	Warner	Wesely	Wiitala
Withem				

Voting in the negative, 1:

Sieck

Excused and not voting, 2:

Pirsch Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 490. E & R amendments, AM5142, found in the Journal for the Seventy-Fourth Day were adopted.

Mr. Cullan asked unanimous consent to bracket LB 490 until January 9, 1984.

Mrs. Marsh objected.

Mr. Cullan moved to bracket LB 490 until January 9, 1984.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 254, 254A, and 618.

SELECT FILE

LEGISLATIVE BILL 490. Mr. Cullan renewed his pending motion to bracket until January 9, 1984.

Mr. Cullan asked unanimous consent to withdraw his pending motion to bracket. No objections. So ordered.

Mr. Cullan moved to pass over LB 490.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. V. Johnson requested a roll call vote on the Cullan motion.

Voting in the affirmative, 23:

Abboud	Barrett	Beyer	Chronister	Clark
Cullan	Eret	Fenger	Goll	Hefner
Jacobson	Johnson, L.	Johnson, R.	Lamb	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Vickers	Von Minden		

Voting in the negative, 24:

Carsten	Chambers	DeCamp	Fowler	Haberman
Hannibal	Higgins	Hoagland	Johnson, V.	Kahle
Kilgarin	Labedz	Landis	Lundy	Marsh
Morehead	Newell	Sieck	Wagner	Warner
Wesely	Wiitala	Withem	Lt.Gov. McGinley	

Present and not voting, 2:

Beutler Goodrich

Excused and not voting, 1:

Schmit

The Cullan motion to pass over lost with 23 ayes, 24 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. Cullan moved to indefinitely postpone LB 490.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Higgins 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 moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Cullan motion to indefinitely postpone lost with 20 ayes, 25 nays, 2 present and not voting, and 2 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 207.

Introduced by Haberman, 44th District.

WHEREAS, the Merchant Marine Act of 1936 as amended by the Cargo Preference Act of 1954 requires that 50% of government-sponsored commodity shipments (PL480 cargoes) move in U.S. vessels; and

WHEREAS, such requirement has cost $337 million since fiscal year 1980; and

WHEREAS, had those shipments moved on the most competitive and cost efficient vessels available, the savings could have financed approximately 61 million bushels of additional wheat exports, an amount equal to 60% of Nebraska's annual wheat crop; and

WHEREAS, the increased cost of subsidizing the maritime industry came out of the pockets of Nebraska farmers and the state's economy as a result of reduced foreign demand, lower commodity prices and negative economic spinoffs to the state; and

WHEREAS, maritime subsidies amounted to $21,853 per maritime employee in 1981 and were more damaging to the U.S. agricultural economy than they were beneficial to other sectors; and

WHEREAS, the required use of U.S. vessels increases the freight cost of exporting U.S. agricultural commodities by as much as $2.12 per bushel over world freight rates, making U.S. commodities less competitive in world markets.

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

1. That the Legislature of Nebraska opposes cargo preference laws that require 50% of all "concessional" export credit sales be carried on U.S. ships.

2. That the Legislature of Nebraska is concerned with the effectiveness of present governmental policies and programs relating to cargo preference.

3. That a copy of this resolution be sent to the President of the United States, the Secretary of Agriculture, the Secretary of Commerce, and the Nebraska Congressional Delegation.

Laid over.

STANDING COMMITTEE REPORT
Public Health and Welfare

The Public Health and Welfare Committee met in executive session on May 20, 1983 for the purpose of the confirmation of the appointments as follows:

Director, Department of Health - Dr. Henry Smith
State Board of Health - Robert A. Rohling

The Committee voted 5-0-2 in favor of these appointments. Senators Withem, Barrett, Higgins, R. Peterson and Wesely voted AYE. Senators Fenger and Rupp were not present.

(Signed) George Fenger, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 23, 1983, at 10:00 a.m., were the following bills: 254, 254A, and 618.

(Signed) Pamela Moravec, Enrolling Clerk

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 120, 224, and 370.

Correctly Engrossed

The following bills were correctly engrossed: 124, 210A, 244, 531, and 632A.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 120
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0130

1. On page 1, line 10, "to prohibit certain signs;" has been inserted after the first semicolon.

Enrollment and Review Change to LB 124

The following changes, required to be reported for publication in the Journal, have been made:
ER0123

1. In the E & R amendment, page 1, line 2, "66-1020," has been inserted after "sections"; in line 7 "to revive sections 66-1019 to 66-1028, Reissue Revised Statutes of Nebraska, 1943; to revive provisions relating to an energy conservation tax exemption;" has been inserted after the first semicolon.

2. In the Standing Committee amendments:

(a) On page 3, line 7, "the comma" has been stricken and " 'Standard' " inserted; in line 23, "3" has been stricken and "4" inserted;

(b) on page 15, line 22, an underscored semicolon has been inserted after "Standard" and in line 24 the semicolon has been stricken and shown stricken;

(c) on page 16, line 5 the semicolon has been stricken and shown as stricken.

3. In the Kilgarin amendment adopted on May 19, on page 1, line 12, "12" has been stricken and "25" inserted.

Enrollment and Review Change to LB 224
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0120

1. In lieu of the Beutler amendment adopted on May 18, on page 10, line 6, "but in no event shall the penalty be more than twenty- five per cent of the charge" has been inserted after "delinquent".

2. In the Beutler amendment adopted "May 20, 1983, in ine 3 "change" has been stricken and "delinquent taxes" inserted.

Enrollment and Review Change to LB 244

The following changes, required to be reported for publication in the Journal, have been made:
ER0110

1. On page 1, the matter beginning with "provide" in line 3 through "roads" in line 4 has been stricken and "change provisions relating to authorized vehicle widths; to provide powers" has been inserted; in line 4 "and" has been stricken; and in line 5 "; and to declare an emergency" has been inserted after "section".

2. In the Warner amendment adopted on May 10, on page 4, line 13 after the underscored comma "or" has been inserted.

(Signed) Tristi J. Wilson
E & R Attorney

The Chair declared the Call raised.

SELECT FILE

LEGISLATIVE BILL 490. Mr. Warner offered the following amendment:

Strike No. 7, Sec. 8 of the committee amendment, AM0827.

The amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Cullan requested a machine vote on the advancement of the bill.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Cullan requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Carsten Chambers Eret Fowler Haberman

Hannibal	Higgins	Hoagland	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Landis	Lundy
Marsh	Morehead	Newell	Sieck	Vickers
Wagner	Warner	Wesely	Wiitala	Withem

Voting in the negative, 21:

Abboud	Barrett	Beutler	Beyer	Clark
Cullan	Fenger	Goll	Goodrich	Hefner
Jacobson	Johnson, L.	Lamb	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Von Minden				

Present and not voting, 1:

Chronister

Excused and not voting, 2:

DeCamp Schmit

Advanced to E & R for Engrossment with 25 ayes, 21 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 27. E & R amendments, AM5166, found in the Journal on page 2408 for the Eighty-Seventh Day were adopted.

Mr. Warner offered the following amendment:
strike original section 1 of LB 27

Mr. Newell offered the following amendment to the Warner amendment:
To add a new section 1.

That the Nebraska Legislature recognizes the public importance of this issue and fully recognizes the break from the traditional tie that has existed between the Corporate Income Tax and the Individual Income Tax, and the Nebraska Legislature hereby authorizes and requires the Sec. of State to place this issue on the 1984 Primary ballot for a referendum on the issue.

Mr. Warner requested a ruling of the Chair on whether the Newell amendment is germane to the Warner amendment pursuant to Rule 7, Sec. 3(d).

The Chair ruled the amendment not germane to the Warner amendment.

Mr. Newell challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. L. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Newell motion to overrule the Chair lost with 7 ayes, 29 nays, 12 present and not voting, and 1 excused and not voting.

Mr. Haberman moved to recess until 1:30 p.m. The motion lost.

The Warner pending amendment to LB 27 was considered.

The Warner amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 208.

Introduced by Morehead, 30th District.

WHEREAS, the year 1983 marks the one hundredth birthday of the community of Filley; and

WHEREAS, Filley has been and will continue to be an outstanding community; and

WHEREAS, a centennial celebration offers a community a unique opportunity to reflect upon those citizens whose efforts were responsible for its accomplishments; and

WHEREAS, many citizens have contributed to the growth and stability of Filley in the past one hundred years; and

WHEREAS, Filley can look forward to a second hundred years of growth and stability through the efforts of its quality citizenship; and

WHEREAS, the citizens of Filley deserve special recognition during their centennial celebration which takes place May 28-30 and July 2-3, 1983; and

WHEREAS, Filley's centennial celebration will be especially momentous with the dedication of the Filley Stone Barn, which was built in 1874 and is on the National Register for Historical Places; and

WHEREAS, Filley's centennial year will be a time for its citizens to look with pride at their heritage.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS

OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature recognize and commend the community of Filley for its one hundredth anniversary.

2. That the Legislature congratulates and extends best wishes to the citizens of the Filley community.

3. That a copy of this resolution be sent to Virgil Jobman, Village Board Chairperson, and the citizens of Filley.

Laid over.

LEGISLATIVE RESOLUTION 209.

Introduced by Lamb, 43rd District.

WHEREAS, the year 1983 is the centennial year of the village of Newport; and

WHEREAS, Newport is located in Rock County; and

WHEREAS, Newport has been and will continue to be an outstanding community; and

WHEREAS, the people of Newport deserve special acknowledgment of the contributions they and their forebears have made to the history and settlement of Nebraska; and

WHEREAS, the people of Newport will be celebrating their centennial on August 20 and 21, 1983; and

WHEREAS, special recognition ought to be granted the community of Newport at the time of this celebration.

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

1. That the Legislature acknowledges the contributions and efforts of those residents, both past and present, who labored and aspired to make Newport successful.

2. That the Legislature extends its best wishes to the current citizens of Newport who will carry on the positive traditions and heritage of the county, and who are currently pausing from their busy lives to commemorate this special occasion.

3. That the Legislature recognize and commend Newport for its one hundredth anniversary.

Laid over.

LEGISLATIVE RESOLUTION 210.

Introduced by Wesely, 26th District.

WHEREAS, four-year-old Heidi Kahle is suffering from cardiomyopathy; and

WHEREAS, Heidi's doctors have determined that a heart transplant is the only effective treatment for her condition; and

WHEREAS, $100,000 must be raised to cover the cost of the heart transplant for Heidi.

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

1. That the members of the Legislature encourage the people of Nebraska to help save Heidi's life by contributing to the Heidi Kahle Trust Fund, c/o Trust Division, P.O. Box 81008, Lincoln, NE 68501.

2. That a copy of this resolution be presented to Heidi's parents, Richard and Cheryl Kahle, 7731 Steinway Road, Lincoln, Nebraska.

Laid over.

VISITORS

Visitors to the Chamber were 45 students and sponsor from Emanuel Lutheran School, Bremer, Kansas; 31 fourth grade students and teachers from Bennet Elementary, Bennet; 50 sixth grade students and teachers from Highland School, Omaha; 17 eighth grade students and teachers from Catholic So. East School, Omaha; Merle and LouElla Remmers, Senator Remmer's brother, from Burlington, Iowa; Boyd and Mildred Needham from Lincoln; and Marjorie Merritt from Lincoln.

RECESS

At 11:59 a.m., on a motion by Mr. Von Minden, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m, President McGinley presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Haberman, Hoagland, Schmit, Miss Kilgarin, and Mrs. Pirsch who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 27. Mr. Newell moved to indefinitely postpone.

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.

Mr. Newell requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 10:

Chambers	Fowler	Higgins	Hoagland	Johnson, V.
Kilgarin	Landis	Newell	Vickers	Wesely

Voting in the negative, 32:

Abboud	Barrett	Beyer	Carsten	Chronister
Cullan	DeCamp	Fenger	Goll	Goodrich
Hannibal	Hefner	Jacobson	Johnson, L.	Johnson, R.
Kahle	Lamb	Lundy	Marsh	Morehead
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Sieck	Von Minden
Warner	Withem			

Present and not voting, 7:

Beutler	Clark	Eret	Haberman	Labedz
Wagner	Wiitala			

The Newell motion lost with 10 ayes, 32 nays, and 7 present and not voting.

Mr. DeCamp moved to suspend Rule 6 Sec. 5, Rule 7 Sec. 3 and vote without further debate and no further amendment on the advancement of LB 27.

Mr. Chambers offered the following amendment to the DeCamp motion:

Amend the DeCamp rules suspension so that such rule suspension shall apply to all bills for the balance of the day, May 23.

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

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

Advanced to E & R for Engrossment with 28 ayes, 8 nays, and 13

present and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 211.

Introduced by Business and Labor Committee: Barrett, 39th District, Chairperson; Wiitala, 31st District; R. Peterson, 21st District; Fowler, 27th District; Labedz, 5th District; Eret, 32nd District; Goll, 10th District.

Whereas, agreements have been reached on collective bargaining contracts concerning various terms and conditions of employment for fiscal year 1983-84 between the following parties:

1. The Department of Education and the Nebraska Association of Public Employees; and

2. The Department of Roads and the Nebraska Association of Public Employees; and

3. The Game and Parks Commission and the Nebraska Association of Public Employees; and

4. The Department of Correctional Services and the Nebraska Association of Correctional Employees; and

Whereas section 48-837, 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 loabor organizations which are parties to the contracts.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH 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.

SELECT FILE

LEGISLATIVE BILL 626. E & R amendments, AM5167, found in the Journal on page 2435 for the Eighty-Seventh Day were adopted.

Mr. Beutler offered the following amendment:
AM1553

1. In the Beutler amendment on page 2411 of the Journal, on page 1, line 2 of the new matter strike "for industrial development" and insert "under subdivision (3) of section 19 of this act".

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.

The Beutler amendment was adopted with 29 ayes, 1 nay, and 19 present and not voting.

Advanced to E & R for Engrossment with 26 ayes, 17 nays, and 6 present and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 228.

Correctly Engrossed

The following bill was correctly engrossed: 490.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 490

The following changes, required to be reported for publication in the Journal, have been made:
ER0131

1. On page 2, line 14, the colon has been deleted, and in line 15 "Congregate" has been stricken and "congregate" inserted.

2. On page 3, line 17, "Directors" has been stricken and "directors" inserted.

3. In the Standing Committee amendments on page 2, line 1, "effect" has been stricken and "existence" inserted.

4. Because of the Warner amendment adopted 5-23-83, (a) on page 9, the matter beginning with "subject" in line 26 through "act" in line 27 has been stricken, (b) the remaining sections have been renumbered; and (c) in the standing committee amendments, page 3, beginning with "in" in line 10 through the semicolon in line 11, the matter has been stricken.

5. On page 1, line 4, "create" has been stricken and "provide for" has been inserted.

(Signed) Tristi J. Wilson
E & R Attorney

UNANIMOUS CONSENT - Withdraw Amendment to LB 599

Mr. Goodrich asked unanimous consent to withdraw his pending amendment found in the Journal on page 2077 to LB 599. No objections. So ordered.

MOTION - Return LB 599 to Select File

Messrs. Goodrich and Schmit moved to return LB 599 to Select File for their specific amendment, AM1541, found in the Journal on page 2402.

The motion to return prevailed with 29 ayes, 0 nays, and 20 present and not voting.

SELECT FILE

LEGISLATIVE BILL 599. The Goodrich-Schmit specific amendment, AM1541, found in the Journal on page 2402 was adopted with 26 ayes, 0 nays, and 23 present and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 599 to Select File

Messrs. Goodrich and Schmit moved to return LB 599 to Select File for the following specific amendment:
AM1547

(Amendments to the Final Reading Copy)

1. On page 10, strike beginning with "to" in line 17 through "legislation" in line 18; strike beginning with "subject" in line 20 through "amended," in line 21; in line 23 after "federal" insert "or state" and strike "as provided in such act"; and strike beginning with "as" in line 25 through the second comma in line 27.
2. On page 11, lines 1 and 5, after "federal" insert "or state"; and strike beginning with "as" in line 1 through "act" in line 2.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

The motion to return prevailed with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 599. The Goodrich-Schmit specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 599 to Select File

Mr. Beutler moved to return LB 599 to Select File for the following specific amendment:

Service of process pursuant to this section shall be made in the manner provided for Service of Summons in a civil action.

The motion to return prevailed with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 599. The Beutler specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 599 to Select File

Mr. Hoagland moved to return LB 599 to Select File for the following specific amendment:

In final reading copy, p 11, strike beginning with "not" on line 11 through "of" on line 12 and substitute "apply to"

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

The motion to return lost with 4 ayes, 15 nays, 28 present and not voting, and 2 excused and not voting.

Mr. Hoagland asked unanimous consent to withdraw his pending amendment found in the Journal on page 2438 to LB 599. No objections. So ordered.

SPEAKER NICHOL PRESIDING

Mr. Beutler moved to return LB 599 to Select File for the following specific amendment:
AM1371

(Amendments to Final Reading Copy)
1. On page 3, line 14, after "a" insert "public".

Mr. Beutler moved for a Call of the House. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Mr. Beutler requested a roll call vote on his motion to return.

Voting in the affirmative, 14:

Beutler	Chambers	Cullan	Hoagland	Johnson, V.
Kilgarin	Landis	Morehead	Newell	Pirsch
Remmers	Vickers	Wesely	Wiitala	

Voting in the negative, 25:

Beyer	Chronister	DeCamp	Fenger	Goll
Goodrich	Hannibal	Hefner	Higgins	Jacobson
Johnson, L.	Johnson, R.	Kahle	Labedz	Lamb
Lundy	Nichol	Pappas	Peterson, H.	Rupp
Schmit	Sieck	Wagner	Warner	Withem

Present and not voting, 8:

Abboud	Carsten	Clark	Eret	Fowler
Marsh	Peterson, R.	Von Minden		

Excused and not voting, 2:

Barrett	Haberman

The Beutler motion to return lost with 14 ayes, 25 nays, 8 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Miss Kilgarin and Mr. Beutler asked unanimous consent to print the following amendment to LB 13 in the Journal. No objections. So ordered.

AM1555
(Amendments to Standing Committee Amendments)
1. Strike original amendments 3 and 4 and insert:
"3. On page 7, line 10, reinstate the

stricken matter; and strike lines 14 through line 27 and insert:

'(2) Any person serving as a municipal judge in district 3 or 4 on the operative date of this section shall continue to hold such office and shall be empowered to hear only those cases as provided in section 24- 517 which the presiding judge of the county court for such district, with the concurrence of the Supreme Court, shall direct. Any vacancy occurring after the operative date of this section which results in a decrease in the number of municipal court judges authorized immediately prior to the operative date of this section for a city of the primary or metropolitan class shall correspondingly increase the number of county court judges for the county court district in which the municipal court was located.'.

4. On page 8, strike lines 1 through 4; in line 7, after the second comma insert 'violations bureau staff,'; in line 8 strike the first 'and' and after 'constables' insert an underscored comma; in line 14 after the period insert 'Retirement income shall be subject to section 85 of this act.' ".

2. On page 2, line 3, strike "and"; and in line 5 before the period insert "; and in line 26 strike 'such' ".

3. On page 3, strike line 1 and insert "line 10 through the period in line 13 and show the old matter as stricken; and in line 16 after the stricken period"; in line 11 strike the semicolon and insert ", strike 'county', and after the stricken 'shall' insert 'serving in county court'; and"; and in line 12 strike "appoint" and insert " may".

4. On page 4, line 3, after the semicolon insert "and".

The Chair declared the Call raised.

MOTION - Return LB 118 to Select File

Mr. DeCamp moved to return LB 118 to Select File for the following specific amendment:
AM1557

(Amendments to Final Reading Copy)

1. On page 5, line 17, strike "Nebraska" and insert " 'NEBRASKA' at the top of the plates and the words 'AMERICA'S HEARTLAND' at the bottom of the

plates,".

Mr. DeCamp asked unanimous consent to to withdraw his pending motion to return. No objections. So ordered.

Mrs. Morehead, Messrs. R. Johnson, and Rupp moved to return LB 118 to Select File for the following specific amendment:
AM1551

(Amendments to Final Reading Copy)

1. On page 5, line 17, strike "word Nebraska" and insert "word 'NEBRASKA' across the top of the plate and the phrase 'THE GOOD LIFE' across the bottom of such plate with both such word and such phrase to be".

Mr. L. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mrs. Morehead moved for a Call of the House. The motion prevailed with 16 ayes, 3 nays, and 30 not voting.

Mrs. Morehead requested a roll call vote on the motion to return.

Voting in the affirmative, 23:

Beutler	Chronister	Cullan	Eret	Fowler
Hannibal	Hefner	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Landis	Morehead	Newell
Nichol	Pirsch	Rupp	Sieck	Wagner
Wesely	Wiitala	Withem		

Voting in the negative, 23:

Abboud	Barrett	Beyer	Carsten	Chambers
Clark	DeCamp	Fenger	Goll	Higgins
Hoagland	Jacobson	Johnson, L.	Lamb	Lundy
Marsh	Pappas	Peterson, H.	Peterson, R.	Remmers
Schmit	Vickers	Warner		

Present and not voting, 2:

Goodrich Von Minden

Excused and not voting, 1:

Haberman

The Morehead et al motion to return lost with 23 ayes, 23 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 259A to Select File

Mr. V. Johnson moved to return LB 259A to Select File for the following specific amendment:

1. Strike Section 1.

2. On page 2, line 11, strike "fifty-eight thousand eight hundred forty-five" and insert "seventy-eight thousand five hundred"; in line 12, strike "1984" and insert "1983"; in line 13, strike "1985" and insert "1984, and ninety-two thousand two hundred dollars from the General Fund for the period July 1, 1984, to June 30, 1985"; in line 18, strike "forty" and insert "fifty-three"; in line 19, strike "1984" and insert "1983" and in line 20, strike "1985" and insert "1984, nor sixty-two thousand dollars for the period July 1, 1984, to June 30, 1985".

3. Renumber original Section 2 as Section 1.

The motion to return prevailed with 25 ayes, 2 nays, 20 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 259A. The V. Johnson 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.

MOTION - Return LB 259 to Select File

Mr. Hefner moved to return LB 259 to Select File for the following specific amendment:

AM1549

(Amendments to AM1535)

1. On page 18, line 6, strike ", except" and insert "on the condition".

2. On page 25, line 16, strike "60" and insert "61".

3. On page 28, line 20, strike "conducting or" and after "in" insert "or conducting".

4. On page 30, line 25, strike "by Chapter" and insert "in section 9-127"; and in line 26 strike "9, article 1,".

5. On page 32, line 14, strike "Chapter 9, article 1," , show the old matter as stricken and insert "the Nebraska Bingo and Pickle Card Regulatory Act".

6. On page 34, line 26, after the comma insert "payment of taxes pursuant to section 61 of this act,".

7. On page 35, line 15, after "section" insert ", nor the payment of any taxes pursuant to section 61 of this act".

8. On page 40, strike beginning with "the" in line 16 through "therewith" in line 17 and insert "such premises".

9. On page 44, line 24 strike "a" and insert "such", and strike "an" and insert "such".

10. Insert a new section as follows:

"Sec. 61. Any county, city, or village which conducts lotteries pursuant to section 28-1116 shall pay to the commission a tax of two per cent of the gross proceeds of the lotteries. Such tax shall be remitted quarterly and shall be credited to the General Fund of the state.".

11. On page 46, line 13, after the last comma insert "and also section 9-130, Revised Statutes Supplement, 1982,".

12. Renumber remaining sections accordingly.

The motion to return prevailed with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 259. The Hefner 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.

MOTION - Return LB 259 to Select File

Mr. V. Johnson moved to return LB 259 to Select File for the following specific amendment:

On AM1535, page 28, line 19, strike the comma after the word "bingo".

The motion to return prevailed with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 259. The V. Johnson 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.

MESSAGES FROM THE GOVERNOR

May 23, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 32, 215, 253, 327, 451, 472, 494, 619, and 621 were received in my office on May 18, 1983.

These bills were signed by me on May 23, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

May 23, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 273, 273A, 59, 371, and 411 were received in my office on May 19, 1983.

These bills were signed by me on May 23, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

RESOLUTION

LEGISLATIVE RESOLUTION 212.

Introduced by Kilgarin, 7th District; Marsh, 29th District; Pirsch, 10th District; Labedz, 5th District; Wiitala, 31st District; Warner, 25th District; Cullan, 49th District; Schmit, 23rd District.

WHEREAS, Article I, section 9 of the Constitution of Nebraska classifies sexual offenses involving pentration by force or against the will of the victim, as a non-bailable offense where proof is evident or the presumption great; and

WHEREAS, the statutes of Nebraska subsequently classify such offenses as a felony; and,

WHEREAS, one of every three women will be sexually assaulted during her lifetime, and one of every four children will be sexually molested before their 18th birthday; and,

WHEREAS, such offenses can produce severe and long-lasting psychological trauma in the victim.

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

1. That the Legislature urges the courts and judges of Nebraska, when such offenses come before the court, to emphatically consider the intent and philosophy of Article I, section 9 of the Constitution of Nebraska and sections 28-317 through 28-323, Revised Statutes of Nebraska.

2. That the Legislature urges the courts and judges of Nebraska, when such offenses come before the court, that the existence of a prior or current consentual relationship between the offender and the victim should not be unduly considered as an extenuating factor in sentencing for sexual assault.

Laid over.

MOTION - Return LB 629 to Select File

Mr. Warner moved to return LB 629 to Select File for the following specific amendment:
AM1556

(Amendments to Final Reading Copy)

1. Insert the following new sections:

"Sec. 4. The Director of the Department of Administrative Services is directed to create the State Employee Salary Fund which shall be set apart and maintained by the State Treasurer. The State Employee Salary Fund shall only be used to provide salary increases for state employees effective January 1, 1984, except that transfers may be made to the General Fund at the direction of the Legislature. Any money in the State Employee Salary Fund available for investment shall be invested by the state investment officer pursuant to sections 72- 1237 to 72- 1269.

Sec. 5. (1) On July 15, 1983, the State Treasurer shall transfer from the General Fund to the State Employee Salary Fund the amount that actual net General Fund receipts for the period July 1, 1982, to June 30, 1983, exceed $757,476,000.

(2) On October 15, 1983, the State Treasurer shall transfer from the General Fund to the State Employee Salary Fund the amount that actual net General Fund receipts for the period July 1, 1983, to September 30, 1983, exceed $191,592,000.

(3) On Janaury 15, 1984, the State Treasurer shall transfer from the General Fund to the State Employee Salary Fund the amount that actual net General Fund receipts for the period October 1, 1983, to December 31, 1983, exceed $186,461,000.

(4)Such transfers shall not exceed a total of $7,841,568 during the period July 1, 1983, to January 30, 1984.

(5) If the amount of actual receipts is less than the amount specified in subsections (2) and (3) of this section, the State Treasurer shall transfer from the State Employee Salary Fund to the General Fund the amount that actual net General Fund receipts are less than the amount specified.

Sec. 6. The calculation of net General Fund receipts, as provided in section 5 of this act, shall be based on the assumptions with respect to tax rates and tax law included in the Tax Commissioner's report made on the seventieth legislative day pursuant to section 77- 2715.02. General Fund receipts or refunds due to (1) an income tax or withholding rate greater than twenty per cent, (2) sales and use taxes greater than three and one half per cent, (3) transfers to the General Fund

pursuant to Legislative Bill 628, Eighty- eighth Legislature, First Session, 1983, or (4) other legislation that is passed by the Eighty- eighth Legislature, First Session, 1983, and becomes law, which were not included in such report, shall not be included in the calculation of net General Fund receipts as provided for in section 5 of this act.".

2. Renumber remaining sections accordingly.

MR. LANDIS PRESIDING

Mr. Newell requested a ruling of the Chair on whether the Warner amendment is germane to the bill.

The Chair ruled the amendment is germane to the bill.

Mr. Newell challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

The Newell motion to overrule the Chair lost with 10 ayes, 16 nays, 22 present and not voting, and 1 excused and not voting.

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

Mr. Newell requested a roll call vote on the motion to return.

Voting in the affirmative, 25:

Barrett	Beutler	Chambers	Chronister	Eret
Goodrich	Hefner	Higgins	Hoagland	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Landis
Marsh	Rupp	Schmit	Sieck	Vickers
Wagner	Warner	Wesely	Wiitala	Withem

Voting in the negative, 17:

Abboud	Cullan	DeCamp	Fenger	Fowler
Goll	Hannibal	Jacobson	Lamb	Lundy
Morehead	Newell	Nichol	Pappas	Peterson, H.
Pirsch	Remmers			

Present and not voting, 6:

Beyer	Carsten	Clark	Johnson, L.	Peterson, R.
Von Minden				

Excused and not voting, 1:

Haberman

The motion to return prevailed with 25 ayes, 17 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Messrs. Schmit, Clark, and Hefner asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 629. The Warner specific amendment found in this day's Journal was considered.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Warner moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Warner requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Barrett	Beutler	Carsten	Chambers	Chronister
Eret	Goodrich	Haberman	Higgins	Hoagland
Johnson, R.	Kahle	Kilgarin	Labedz	Landis
Marsh	Rupp	Sieck	Vickers	Wagner
Warner	Wesely	Wiitala	Withem	

Voting in the negative, 21:

Abboud	Beyer	Cullan	DeCamp	Fenger
Fowler	Goll	Hannibal	Jacobson	Johnson, L.
Johnson, V.	Lamb	Lundy	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers				

Present and not voting, 1:

Von Minden

Excused and not voting, 3:

Clark Hefner Schmit

The Warner amendment lost with 24 ayes, 21 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Advanced back to Final Reading.

MOTION - Return LB 629 to Select File

Mr. Warner moved to return LB 629 to Select File for the following specific amendment:
(Amendment on file in the Clerk's Office - AM1550.)

Messrs. V. Johnson and Nichol asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler 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. 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 on his motion to return.

Voting in the affirmative, 22:

Beutler	Carsten	Chambers	Eret	Fowler
Goodrich	Higgins	Hoagland	Johnson, R.	Kilgarin
Labedz	Landis	Marsh	Newell	Rupp
Schmit	Sieck	Vickers	Von Minden	Warner
Wesely	Wiitala			

Voting in the negative, 20:

Abboud	Barrett	Beyer	Chronister	Cullan
DeCamp	Fenger	Goll	Hannibal	Jacobson
Johnson, L.	Lamb	Morehead	Pappas	Peterson, H.

Peterson, R. Pirsch Remmers Wagner Withem

Present and not voting, 3:

Haberman Kahle Lundy

Excused and not voting, 4:

Clark Hefner Johnson, V. Nichol

The Warner motion to return lost with 22 ayes, 20 nays, 3 present and not voting, and 4 excused and not voting.

Mr. DeCamp moved to return LB 629 to Select File for the following specific amendment:

2. Insert the following new sections:

"Sec. 5. (1) The Director of Personnel shall, on July 1, 1984, revise the Classified Service Salary Schedule and the Medical Doctors Salary Schedule of the State of Nebraska Classification and Pay Plan by increasing all hiring, minimum permanent, and maximum rates of each salary grade by six per cent to the nearest dollar. On July 1, 1985, and July 1, 1986, the Director of Personnel shall make a similar revision to such schedules by increasing such rates by five per cent. The monthly, biweekly, and hourly rates shall be computed from the increased annual rate.

(2) On July 1, 1984, all permanent employees with a minimum of six months continuous service with the state shall be granted an increase of six per cent to the nearest dollar over their June 30, 1984, salary rate except as provided in subsections (3), (5), and (6) of this section. On July 1, 1985, all permanent employees with a minimum of six months continuous service with the state shall be granted an increase of five per cent to the nearest dollar over their June 30, 1985, salary except as provided in subsections (3), (5), and (6) of this section. On July 1, 1986, all permanent employees with a minimum of six months continuous service with the state shall be granted an increase of five per cent to the nearest dollar over their June 30, 1986, salary except as provided in subsections (3), (5), and (6) of this section.

(3) A permanent employee who on July 1 of any year is serving a probationary period as a result of disciplinary action shall not be granted the salary

increase provided in subsection (2) of this section until the employee has satisfactorily completed probation and the agency director approves the salary adjustment, except that no permanent employee serving a probation period because of disciplinary reasons shall be paid less than the minimum permanent rate established for his or her salary grade in effect on such date.

(4) On July 1 of any year an employee serving an original probationary period with less than six months of continuous service with the state shall be granted a salary increase, if necessary, such that the employee is paid at the hiring rate of pay established for his or her salary grade in effect on such date.

(5) No employee shall receive more than a (a) six per cent salary increase for the period July 1, 1984, to June 30, 1985, (b) five per cent salary increase for the period July 1, 1985, to June 30, 1986, or (c) five per cent salary increase for the period July 1, 1986, to June 30, 1987, if such a salary increase would result in the employee being paid above the maximum rate for his or her salary grade.

(6) Salary increases granted under subsections (2) and (4) of this section shall be distributed on July 1, 1984, July 1, 1985, and July 1, 1986, in such a manner that expenditures for permanent and temporary salaries and per diems shall not exceed the limitations enumerated by law.

(7) In addition to the salary increases granted under subsections (2) and (4) of this section, salary increases may be granted for promotions, merit, salary grade adjustments, or reclassifications only if such salary adjustments do not increase expenditures for permanent and temporary salaries and per diems above the limitations enumerated by law.

Sec. 6. The provisions of section 5 of this act relating to the time of granting and the amount of salary increases shall apply to all state employees regardless of whether such employees are subject to the Department of Personnel.".

3. Renumber remaining sections accordingly.

The Chair declared the Call raised.

Mr. DeCamp asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 27, 259, and 259A.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 27

The following changes, required to be reported for publication in the Journal, have been made:
ER0136

1. The first E & R amendment has been stricken.

2. On page 1, "77-2715.01" has been stricken and "77-2734" inserted; in lines 3 and 4 "duties of the Board of Equalization and Assessment" has been stricken and "the corporate franchise tax as prescribed" inserted.

3. Hefner amendment 2 has been stricken.

4. On page 7, "77-2715.01" has been stricken and "77-2734" inserted.

Enrollment and Review Change to LB 259

The following changes, required to be reported for publication in the Journal, have been made:
ER0133

1. On page 1, the matter beginning with "bingo" in line 1 through line 13 has been stricken and "gambling; to amend sections 28-1101, 28-1105, and 28-1113 to 28-1116, Reissue Revised Statutes of Nebraska, 1943, and sections 9-124, 9-125, 9-127, 9-133, 9-141 to 9-145, 9-149, 9-150, 9-153, 9-156, 9-158, 9-160, 9-162 to 9-165, 9-168 to 9-170, and 9-172 to 9-174, Revised Statutes Supplement, 1982; to change provisions relating to gambling; to provide for the regulation of bingo, lottery by the sale of pickle cards, and other lotteries as prescribed; to change intent; to define and redefine terms; to create a commission; to provide powers and duties; to eliminate powers and duties of the State Treasurer; to rename an act; to impose a tax; to change provisions relating to certain taxes; to harmonize provisions; to provide penalties; to provide severability; and to repeal the original sections, and also section 9-130, Revised Statutes Supplement, 1982." inserted.

2. On page 2, lines 1 through 5 have been stricken.

3. In amendment AM1535 adopted May 19:

(a) On page 2, line 5, the comma has been struck and shown as stricken;

(b) On page 3, line 22, the stricken "of" has been reinstated;

(c) On page 4, line 18, after "cards" an underscored comma has been inserted;

(d) On page 10, line 17, underscoring has been inserted to "and";

(e) On page 23, line 8, "and" has been stricken, shown as stricken, and an underscored comma inserted, and after "city" an underscored comma has been inserted;

(f) On page 28, line 19, the underscored comma has been stricken;

(g) On page 30, line 2, the comma has been stricken and shown as stricken; in line 26 "lottery by the sale of" has been inserted after "any", and "card" has been stricken and "cards" inserted;

(h) On page 34, line 21, "must" has been stricken in both places, shown as stricken, and "shall" inserted

(i) On page 35, lines 21 and 22, "must" has been stricken and "shall" inserted;

(j) On page 37, line 3, "any" has been stricken and "the" inserted; and in line 16 "same" has been stricken and "lottery" inserted;

(k) On page 40, line 15, the first comma has been stricken; in line 25 "53 and" has been inserted before "54"; and in line 26 "and 55" has been stricken;

(l) On page 42, line 9, "costs for" has been inserted after "including"; and in line 18 "receive and" has been stricken;

(m) On page 43, line 14, the second comma has been stricken;

(n) On page 44, line 22, underscored commas have been inserted after "may" and "ordinance";

(o) On page 45, line 7, an underscored comma has been inserted after "501"; and in line 14 "ordiance" has been stricken and "ordinance" inserted;

(p) On page 46, line 12, the comma after "9-168" has been stricken and "to" inserted; and

(q) On page 8, line 22, "of this act" has been inserted after "date".

4. In amendment AM1538 adopted May 19:

(a) On page 1, line 1, "39" has been stricken and "40" inserted; in line 2 "17" and "18" have been stricken and "2" and "3", respectively, inserted; in line 3 "12" has been stricken and "23" inserted, and "; in" has been stricken and a period inserted; lines 4 and 5 have been stricken and the following inserted:

"3. On page 41, line 3, strike the underscored period and insert '; and'; and after line 3 insert a new"; in line 10 "3" has been stricken and "4" inserted; and in line 11 "60" has been stricken and "61" inserted; and

(b) On page 2, line 4, "4", "44", and "15" have been stricken and "5", "46", and "9", respectively, inserted; and in line 6, "5" has been stricken and "6" inserted.

Enrollment and Review Change to LB 370

(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0128

1. In the Landis, et al amendment, AM1464:

(a) On page 1, line 3 has been stricken and in line 4 "provisions;';" has been stricken;

(b) On page 5, line 9 the paragraphing has been removed; and

(c) On page 10, line 15, "or" has been stricken and "to" inserted.

2. On page 1, line 9 after the semicolon "to provide penalties;" has been inserted.

(Signed) Tristi J. Wilson
E & R Attorney

RESOLUTION

LEGISLATIVE RESOLUTION 213.

Introduced by Nichol, 48th District.

WHEREAS, the Long's Peak Council, Boy Scouts of America, with the help of Ray Boice, was awarded the Green Seal, the Second highest award in scouting, by the United States Secretary of Agriculture, John Bleck; and

WHEREAS, the Long's Peak Council and Mr. Boice were honored for their work in resource protection and management of natural resources; and

WHEREAS, The Long's Peak Council and Mr. Boice have long been involved in planning and implementing numerous conservation activities; and

WHEREAS, the cause of conserving our natural resources is of vital interest to the citizens of Nebraska, and the Long's Peak Council and Ray Boice are leaders in that cause.

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

1. That the Legislature commends and congratulates the Long's Peak Council on their award.

2. That the Legislature recognizes the contributions and leadership in conservation activities provided by Ray Boice and the Long's Peak Council.

3. That a copy of this resolution be sent to Ray Boice and to the Long's Peak Council.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached Reference Report No. XIV, Governor's appointment, which was approved by the Board on May 23, 1983.

Agriculture and Environment
Don Hutchens - Agricultural Products Utilization Committee

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

MOTION - Return LB 629 to Select File

Mr. Warner moved to return LB 629 to Select File for the following specific amendment:

(Amendments to Final Reading Copy)

1. Insert the following new sections:

"Sec. 4. The Director of the Department of Administrative Services is directed to create the State Employee Salary Fund which shall be set apart and maintained by the State Treasurer. The State Employee Salary Fund shall only be used to provide salary increases for state employees effective January 1, 1984, except that transfers may be made to the General Fund at the direction of the Legislature. Any money in the State Employee Salary Fund available for investment shall be invested by the state investment officer pursuant to sections 72- 1237 to 72- 1269.

Sec. 5. (1) On July 15, 1983, the State Treasurer shall transfer from the General Fund to the State Employee Salary Fund the amount that actual net General Fund receipts for the period July 1, 1982, to June 30, 1983, exceed $757,476,000.

(2) On October 15, 1983, the State Treasurer shall transfer from the General Fund to the State Employee Salary Fund the amount that actual net General Fund receipts for the period July 1, 1983, to September 30, 1983, exceed $191,592,000.

(3) On Janaury 15, 1984, the State Treasurer shall transfer from the General Fund to the State Employee Salary Fund the amount that actual net General Fund receipts for the period October 1, 1983, to December 31, 1983, exceed $186,461,000.

(4)Such transfers shall not exceed a total of $3,920,785 during the period July 1, 1983, to January 30, 1984.

(5) If the amount of actual receipts is less than the amount specified in subsections (2) and (3) of this section, the State Treasurer shall transfer from the State Employee Salary Fund to the General Fund the amount that actual net General Fund receipts are less than the amount specified.

Sec. 6. The calculation of net General Fund receipts, as provided in section 5 of this act, shall be based on the assumptions with respect to tax rates and tax law included in the Tax Commissioner's report made on the seventieth legislative day pursuant to section 77- 2715.02. General Fund receipts or refunds due to (1) an income tax or withholding rate greater than twenty per cent, (2) sales and use taxes greater than three and one half per cent, (3) transfers to the General Fund pursuant to Legislative Bill 628, Eighty- eighth Legislature, First Session, 1983, or (4) other legislation that is passed by the Eighty- eighth Legislature, First Session, 1983, and becomes law, which were not included in such report, shall not be included in the calculation of net General Fund receipts as provided for in section 5 of this act.".

2. Renumber remaining sections accordingly.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Warner moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Warner requested a roll call vote on his motion to return.

Voting in the affirmative, 21:

Barrett	Beutler	Beyer	Chambers	Chronister
Eret	Goodrich	Higgins	Hoagland	Johnson, R.
Kahle	Kilgarin	Labedz	Landis	Marsh
Rupp	Schmit	Vickers	Warner	Wesely
Withem				

Voting in the negative, 21:

Abboud	Carsten	Cullan	DeCamp	Fenger
Fowler	Goll	Jacobson	Johnson, L.	Lamb
Lundy	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Wagner
Wiitala				

Present and not voting, 3:

Hannibal	Sieck	Von Minden

Excused and not voting, 4:

Clark	Haberman	Hefner	Johnson, V.

The Warner motion lost with 21 ayes, 21 nays, 3 present and not voting, and 4 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 214.

Introduced by Warner, 25th District; Wesely, 26th District.

WHEREAS, Section 68-1019, R.R.S., 1943, on program services provided under Medicaid has not been revised since 1969; and

WHEREAS, the Medicaid budget has risen from $117 million to $149 million in the past 3 years; and

WHEREAS, the rising costs of Medicaid relative to other portions of the public assistance budget has become uncontrollable; and

WHEREAS, present cost-containment measures of pro rata reductions and a ceiling on payments are being challenged in U.S. District Court.

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

1. That the Legislature supports the Department of Social Services implementation of all available alternatives for cost containment after meeting current requirements for public notice and hearings.

2. That the Legislature's Health and Welfare Committee, Rule and Regulation Committee and Appropriations Committee monitor and provide support during the interim to assist the Department of Social Services in any way possible to insure that any cost containment alternatives implemented still preserve quality health services for the poor, aged, and disabled.

Laid over.

MR. GOODRICH PRESIDING

The Chair declared the Call raised.

Mr. Hoagland asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. LANDIS PRESIDING

MOTION - Return LB 447 to Select File

Mr. Chambers moved to return LB 447 to Select File for the following specific amendment:

Add repealer clause to strike the Schmit Amendment from LB 617, 88th Legislature, First Session.

Mr. Beutler requested a ruling of the Chair on whether the Chambers amendment is germane to the bill.

The Chair ruled the amendment not germane to the bill.

Mr. Vickers asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Chambers moved for a Call of the House. The motion lost with 12 ayes, 13 nays, and 24 not voting.

Mr. Chambers requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 7:

Chambers	Fowler	Hannibal	Newell	Sieck
Von Minden	Wesely			

Voting in the negative, 30:

Barrett	Beutler	Beyer	Carsten	Chronister
Cullan	DeCamp	Eret	Fenger	Goll
Goodrich	Jacobson	Johnson, L.	Kahle	Kilgarin
Labedz	Landis	Lundy	Marsh	Nichol

Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Wagner	Warner	Withem

Present and not voting, 6:

Abboud	Higgins	Johnson, R.	Lamb	Morehead
Wiitala				

Excused and not voting, 6:

Clark	Haberman	Hefner	Hoagland	Johnson, V.
Vickers				

The Chambers motion to overrule the Chair lost with 7 ayes, 30 nays, 6 present and not voting, and 6 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 599.

Correctly Engrossed

The following bills were correctly engrossed: 632, 629, and 626.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 599
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER0137

1. In lieu of the Beutler amendment adopted 5/23/83, on page 10, the matter beginning with "accomplished" in line 11 through "address" in line 15 has been stricken and "made in the manner provided for service of summons in a civil action" has been inserted.

Enrollment and Review Change to LB 626

The following changes, required to be reported for publication in the Journal, have been made:
ER0135

1. On page 23, line 12, "79-4,156" has been stricken, and

"79-4,155" inserted.

2. On page 13, line 21, an underscored comma has been inserted after "in".

3. In the Newell amendment (1) adopted 4/21/83, lines 3 and 7, "All" has been stricken and "In all" inserted.

4. On page 8, line 13, "which" has been stricken and "whom" inserted.

5. E & R amendment (3) has been stricken.

6. In the Beutler amendment adopted 5-23-83, line 3, "under" has been stricken and "for projects as defined in" has been inserted.

Enrollment and Review Change to LB 629

The following changes, required to be reported for publication in the Journal, have been made:
ER0129

1. The section added by the Sieck amendment adopted May 20 has been numbered section 2.

2. Original sections 5, 6, 10, and 13 have been renumbered as sections 3, 4, 7, and 8, respectively.

3. The section added by amendment 3 of the third Warner amendment adopted May 20 has been numbered as section 5, and in such amendment, "on page 4" has been inserted after "inserted".

4. The section added by the Warner (3) amendment adopted May 20 has been numbered as section 6.

Enrollment and Review Change to LB 632

The following changes, required to be reported for publication in the Journal, have been made:
ER0127

1. In the Wesely amendment adopted on May 20, on page 1, line 3 of the new matter, "State College Board of Trustees" has been stricken and "Board of Trustees of the Nebraska State Colleges" has been inserted; in line 10 of the new matter the first underscored comma has been stricken; in line 11 of the new matter "(a) current" has been stricken and "(1) Current" has been inserted; in line 12 of the new matter "(b) copayments" has been stricken and "(2) Copayments" has been inserted; in line 13 of the new matter "(c) expansion" has been stricken and "(3) Expansion" has been inserted; in line 15 of the new matter "(d) negotiation" has been stricken and "(4) Negotiation" in line 17 of the new matter "(e) combining" has been stricken and "(5) Combining" has been inserted; in line 18 of the new matter "(f) development" has been stricken and "(6) Development" has been inserted, and "self insurance" has been stricken and "self-insurance" has been inserted; in line 19 of the new matter "(g) promotion" has been stricken and "(7) Promotion"

has been inserted; and in line 21 of the new matter "(h) relationship" has been stricken and "(8) Relationship" has been inserted.

2. On page 1, line 6, "to provide for a study of state insurance programs as prescribed;" has been inserted after the first semicolon.

3. In the E & R amendment, on page 1, line 2, "duties" has been stricken and "powers" inserted.

(Signed) Tristi J. Wilson
E & R Attorney

VISITORS

Visitors to the Chamber were Mary Ann and Lloyd Reiss from Crete; Mr. and Mrs. Kunio Yarita and Kiyoko from Yokohoma, Japan; Mr. and Mrs. Robert Ludwig, and their sons, James and Joseph from Deshler; former Senator Maurice Kremer; and 70 fourth grade students and teachers from Lakeview School, Lincoln.

ADJOURNMENT

Mr. Cullan moved to adjourn. The motion prevailed with 26 ayes, 9 nays, and 14 not voting and at 6:15 p.m. the Legislature adjourned until 8:30 a.m., Tuesday, May 24, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-NINTH DAY - MAY 24, 1983

LEGISLATIVE JOURNAL

EIGHTY-NINTH DAY - MAY 24, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

EIGHTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 24, 1983

Pursuant to adjournment, the Legislature met at 8:31 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Monk Bryan, Bishop, United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Fowler, Hannibal, Hoagland, V. Johnson, Newell, Schmit, Wesely, Withem, Miss Kilgarin, Mesdames Higgins, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2469, strike line 9 and insert "Advanced to E & R for Engrossment."
The Journal for the Eighty-Eighth Day was approved as corrected.

APPRECIATION

Received note of appreciation from Glenn and Alice Bailey.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 205.

MOTION - Approve Appointments

Mr. Fenger moved the adoption of the report of the Public Health and Welfare Committee for the following Governor appointments found in

the Journal on page 2447: Dr. Henry Smith - Director, Department of Health; Robert A. Rohling - State Board of Health

Voting in the affirmative, 31:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	Cullan	Eret	Fenger	Goll
Goodrich	Haberman	Hefner	Jacobson	Johnson, L.
Kahle	Lamb	Landis	Lundy	Marsh
Morehead	Nichol	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Sieck	Wagner	Warner
Wiitala				

Voting in the negative, 0.

Present and not voting, 6:

Chambers	DeCamp	Johnson, R.	Pappas	Vickers
Von Minden				

Excused and not voting, 12:

Beutler	Fowler	Hannibal	Higgins	Hoagland
Johnson, V.	Kilgarin	Labedz	Newell	Schmit
Wesely	Withem			

The appointments were confirmed with 31 ayes, 0 nays, 6 present and not voting, and 12 excused and not voting.

NOTICE OF COMMITTEE HEARING
Agriculture and Environment

Governor's Appointment:
Room 1520 Tuesday, May 24, 1983 1:00 p.m.
Don D. Hutchens - Agricultural Products Utilization Committee

(Signed) Rex Haberman, Chairperson

MOTION - Approve Reports

Speaker Nichol renewed the report from Chadron State College to withdraw funds found in the Journal on page 2413.

The report was approved with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Speaker Nichol renewed the report from Kearney State College to withdraw funds found in the Journal on pages 2414 and 2415.

The report was approved with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

Speaker Nichol renewed the report from Peru State College to withdraw funds found in the Journal on page 2415.

The report was approved with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 208. Read. Considered.

LR 208 was adopted with 37 ayes, 0 nays, and 12 not voting.

LEGISLATIVE RESOLUTION 209. Read. Considered.

LR 209 was adopted with 34 ayes, 0 nays, and 15 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 146. With Emergency.

A BILL FOR AN ACT to amend sections 43-102 and 43-104, Reissue Revised Statutes of Nebraska, 1943, and section 43-128, Revised Statutes Supplement, 1982, relating to adoption of children; to provide requirements for a foreign-born child's adoption; to provide that medical records be available when 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hefner	Higgins	Hoagland	Jacobson

Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Lamb
Landis	Lundy	Marsh	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Sieck	Vickers
Von Minden	Wagner	Warner	Wiitala	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Hannibal	Kilgarin	Labedz	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.

Mr. Lundy asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 356. With Emergency.

A BILL FOR AN ACT relating to environmental control; to amend sections 81-1502, 81-1503, 81-1504, 81-1505, 81-1506, 81-1508, and 81-1532, Reissue Revised Statutes of Nebraska, 1943, and section 57-905, Revised Statutes Supplement, 1982; to define terms; to change provisions relating to the Director of Environmental Control; to provide additional powers for the Department of Environmental Control; to authorize regulations relating to certain holes and wells as prescribed; to create a fund; to change provisions relating to plans, specifications, and information; to provide penalties; to provide for a tax; to provide additional powers and duties of the Tax Commissioner; to provide additional powers to the district court; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Barrett	Beutler	Beyer	Carsten	Chambers
Chronister	Cullan	DeCamp	Eret	Fenger
Fowler	Goll	Goodrich	Haberman	Hannibal
Hefner	Higgins	Hoagland	Johnson, L.	Johnson, R.

Johnson, V.	Kahle	Kilgarin	Labedz	Lamb
Landis	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Vickers	Wagner	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 4:

Abboud	Clark	Jacobson	Von Minden

Present and not voting, 1:

Sieck

Excused and not voting, 1:

Lundy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 356A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 356, Eighty-eighth Legislature, First Session, 1983; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Barrett	Beutler	Beyer	Carsten	Chambers
Chronister	Cullan	DeCamp	Eret	Fenger
Fowler	Goll	Goodrich	Haberman	Hannibal
Hefner	Higgins	Hoagland	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Lamb
Landis	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Vickers	Wagner
Warner	Wesely	Wiitala	Withem	

Voting in the negative, 4:

Abboud Clark Jacobson Von Minden

Excused and not voting, 1:

Lundy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 408. With Emergency.

A BILL FOR AN ACT relating to specific conveyances; to authorize the Department of Public Institutions to convey certain land; to provide for severability; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Pirsch	Remmers	Rupp	Schmit
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 0.

Excused and not voting, 1:

Lundy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 447.

A BILL FOR AN ACT relating to civil procedure; to provide for service

of summons and personal jurisdiction as prescribed; to amend sections 8-1112, 12-503, 14-808, 15-107, 16-115, 17-504, 21-1909, 21-1975, 21-20,114, 21-20,116, 23-263, 24-321, 25-314, 25-321, 25-406, 25-536, 25-540, 25-821, 25-1082, 25-1145, 25-21,118, 29-1608, 30-2511, 42-352, 42-354, 42-355, 42-364.04, 43-103, 44-135, 44-137.01, 44-137.02, 44-137.08, 44-145, 44-341, 44-342.03, 44-1033, 44-1204, 44-1801, 44-1805, 44-2001, 44-2004, 45-124, 48-175, 48-190, 48-655.01, 48-909, 53-126, 57-1001, 60-509, 60-531, 67-281, 67-285, 67-286, 71-3823, 75-325, 76-408, 76-706, 76-1306, 76-1409, 77-2712, 77-27,133, 79-2856, 81-516, 81-885.17, 81-885.35, 81-8,120, 81-8,212, 81-1507, 81-1930, 84-719, and 84-917, Reissue Revised Statutes of Nebraska, 1943, sections 21-2076, 24-524, 25-1011, 43-268, 43-1205, 44-2620, 44-3515, 48-813, 48-1126, 59-1750, 69-1204, and 77-3002, Revised Statutes Supplement, 1982, and section 25-1531, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, LB 107, Eighty-eighth Legislature, First Session, 1983; to harmonize provisions; to change duties relating to notice as prescribed; to provide duties for the Revisor of Statutes; and to repeal the original sections, and also sections 25-314.01, 25-502 to 25-518, 25-521, 25-524, 25-526, 25-530.01 to 25-530.07, 44-137, 44-137.03 to 44-137.06, 44-1034, 45-125, 45-349, 57-1002, 75-326, and 76-722, Reissue Revised Statutes of Nebraska, 1943, and sections 21-2013 and 25-530, Revised Statutes Supplement, 1982.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Wiitala	Withem	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the

bill was declared passed and the title agreed to.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Jake Gonzales, Jr. - Director, Department of Veterans Affairs

Vote: Aye: Senators Beutler, Chambers, R. Johnson, Landis, and Vickers. Excused and not voting: Senators Cullan, Goll, and Higgins.

(Signed) David Landis, Chairperson

MOTION - Suspend Rules

Speaker Nichol moved to suspend the rules, Rule 6, Section 7(b) to permit consideration of LB's 118, 118A, 159, 193, 239, 429, 583, 615, 17, and 604 on final reading today.

The motion to suspend the rules prevailed with 43 ayes, 0 nays, and 6 present and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 118. With Emergency.

A BILL FOR AN ACT to amend sections 39-2215, 60-311, and 60-311.14, Revised Statutes Supplement, 1982, relating to motor vehicles; to change provisions relating to license plates as prescribed; to change provisions relating to certain highway funds; to provide a fee; to create a fund; to provide for plates for government-owned vehicles as prescribed; to provide a penalty; to harmonize provisions; to eliminate a requirement for identification on certain vehicles; to repeal the original sections, and also section 60-1003, 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:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	Cullan	DeCamp	Fenger	Fowler
Goll	Goodrich	Haberman	Hannibal	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Schmit	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Wiitala
Withem				

Voting in the negative, 8:

Beutler	Chambers	Eret	Johnson, R.	Johnson, V.
Morehead	Newell	Rupp		

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 118A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 118, Eighty-eighth Legislature, First Session, 1983; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	Cullan	DeCamp	Eret	Fenger
Fowler	Goll	Goodrich	Haberman	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Schmit
Sieck	Vickers	Von Minden	Wagner	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 6:

Beutler	Chambers	Johnson, R.	Johnson, V.	Newell

Rupp

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MR. DECAMP PRESIDING

LEGISLATIVE BILL 159.

A BILL FOR AN ACT to amend sections 79-2901, 79-2903, 79-2918, 79-2938, 79-2939, and 79-2943, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to amend the Nebraska Educational Facilities Authority Act; to define a term; to create a program; to provide powers and duties; to create a fund; to provide duties for the Revisor of Statutes; 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Kahle	Kilgarin	Labedz
Landis	Lundy	Marsh	Morehead	Newell
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Von Minden	Wagner
Wiitala	Withem			

Voting in the negative, 7:

Chambers	Johnson, V.	Lamb	Nichol	Vickers
Warner	Wesely			

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT MCGINLEY PRESIDING

MOTION - Return LB 193 to Select File

Mr. Haberman moved to return LB 193 to Select File for the following specific amendment:
Strike Section 10

Mr. Haberman asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 193. With Emergency.

A BILL FOR AN ACT to amend sections 77-624, 77-625, 77-628, 77-629, 77-630, 77-631, 77-631.02, 77-1249, and 77-1250, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to change provisions relating to certain railroad and air carrier taxes; to provide certain property tax refund procedures; 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, 46:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Wiitala
Withem				

Voting in the negative, 1:

Higgins

Present and not voting, 2:

Chambers 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.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 146, 356, 356A, 408, 447, 118, 118A, and 159.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 239.

A BILL FOR AN ACT relating to financial institutions; to amend sections 8-403.03 and 8-435, Revised Statutes Supplement, 1982, section 21-17,131, Reissue Revised Statutes of Nebraska, 1943, as amended by section 6, Legislative Bill 252, Eighty-eighth Legislature, First Session, 1983, and sections 2 and 3, Legislative Bill 241, Eighty-eighth Legislature, First Session, 1983; to change the number and selection of directors of industrial loan and investment companies as prescribed; to change the duties of the directors; to change provisions relating to authorized loans and charges; to redefine terms; to change provisions relating to the acquisition of financial institutions 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, 47:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala	Withem			

Voting in the negative, 0.

Present and not voting, 2:

Chambers Johnson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 429.

A BILL FOR AN ACT to amend sections 76-1802, 76-1803, 76-1804, and 76-1818, Revised Statutes Supplement, 1982, relating to the Nebraska Development Finance Fund Act; to change legislative findings and declarations; to redefine and define terms; 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, 35:

Beyer	Carsten	Chronister	Clark	Cullan
DeCamp	Eret	Fenger	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Jacobson
Johnson, R.	Kahle	Kilgarin	Labedz	Lamb
Lundy	Marsh	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Vickers	Von Minden	Wagner	Withem

Voting in the negative, 11:

Abboud	Barrett	Chambers	Fowler	Hoagland
Johnson, V.	Landis	Sieck	Warner	Wesely
Wiitala				

Present and not voting, 3:

Beutler Johnson, L. Morehead

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 583 to Select File

Mrs. Marsh moved to return LB 583 to Select File for the following specific amendment:
AM1562

(Amendments to Final Reading Copy)

1. On page 2, line 20, after "director" insert "(1)"; and in line 22 after "center" insert ", (2) the use of available regional center space by such office or program would prove more economical than the continuation of physically separate offices or programs, and (3) consolidation of facilities would not result in a deterioration of service delivery or present a barrier to the public use of mental health services".

Speaker Nichol 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 Marsh motion to return lost with 13 ayes, 25 nays, 10 present and not voting, and 1 excused and not voting.

Mr. Wesely moved to return LB 583 to Select File for the following specific amendment:
Strike the enacting clause

Mr. Wesely asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

Mr. V. Johnson moved to return LB 583 to Select File for the following specific amendment:
To strike the enacting clause.

Mr. V. Johnson asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 583. With Emergency.

A BILL FOR AN ACT to amend section 71-5009, Reissue Revised Statutes of Nebraska, 1943, relating to the Community Mental Health Services Act; to restrict state funds for certain mental health programs; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Mr. R. Peterson requested a roll call vote.

Voting in the affirmative, 31:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Cullan	Fenger	Goll
Goodrich	Haberman	Hefner	Hoagland	Jacobson
Johnson, L.	Kahle	Lamb	Lundy	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Sieck	Vickers	Von Minden
Wagner				

Voting in the negative, 15:

Chambers	Fowler	Hannibal	Higgins	Johnson, R.
Johnson, V.	Kilgarin	Labedz	Landis	Marsh
Morehead	Schmit	Warner	Wesely	Wiitala

Present and not voting, 2:

Eret Withem

Excused and not voting, 1:

DeCamp

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 31:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Cullan	Fenger	Goll
Goodrich	Haberman	Hefner	Hoagland	Jacobson
Johnson, L.	Kahle	Lamb	Lundy	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Sieck	Vickers	Von Minden
Wagner				

Voting in the negative, 15:

Chambers	Fowler	Hannibal	Higgins	Johnson, R.
Johnson, V.	Kilgarin	Labedz	Landis	Marsh
Morehead	Schmit	Warner	Wesely	Wiitala

Present and not voting, 2:

Eret Withem

Excused and not voting, 1:

DeCamp

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

RESOLUTION

LEGISLATIVE RESOLUTION 215.

Introduced by Fowler, 27th District.

WHEREAS, Windom A. Rosene dedicated forty-three years of his life to the promotion of education in the State of Nebraska as Superintendent of the Mason City and Callaway schools and as Director of Teacher Certification in the State Department of Education; and

WHEREAS, Mr. Rosene promoted the Boy Scout organization within the state and was best known for canoe building methods which are used by boy scouts worldwide; and

WHEREAS, Mr. Rosene was active throughout his life in civic organizations and affairs and worked towards promoting teacher retirement plans for all individuals dedicated to educating the children of Nebraska; and

WHEREAS, Windom A. Rosene died on May 18th, 1983, at the age of 92.

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

1. That the Legislature acknowledges the many years of dedicated service made by Windom A. Rosene to the students, teachers, and citizens of the State of Nebraska.

2. That the members of the Legislature express their warmest sympathy to the members of Mr. Rosene's family and to those numerous individuals who benefited from Mr. Rosene's dedicated service.

3. That a copy of this resolution be presented to Mr. Rosene's wife,

Helen Rosene, and members of his family.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 24, 1983, at 11:30 a.m., were the following bills: 146, 356, 356A, 408, 447, 118, 118A, and 159.

(Signed) Jan Loder, Enrolling Clerk

VISITORS

Visitors to the Chamber were 58 students and teacher from General Arnold School, Lincoln.

RECESS

At 11:54 a.m., on a motion by Mr. Lundy, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., President McGinley presiding.

ROLL CALL

The roll was called and all members were present except Mesdames Labedz, Marsh, Morehead, Messrs. Chambers, Fenger, Newell, R. Peterson, and Schmit who were excused until they arrive.

RESOLUTION

LEGISLATIVE RESOLUTION 210. Read. Considered.

LR 210 was adopted with 30 ayes, 0 nays, and 19 not voting.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 583.

(Signed) Rod Johnson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 216.

Introduced by DeCamp, 40th District; Beutler, 28th District; Pirsch, 10th District; Schmit, 23rd District; Chronister, 18th District; Wesely, 26th District; Lamb, 43rd District.

PURPOSE: Legislation addressing the problems posed by the bid-rigging of highway and other public contracts can be prescribed only after thorough investigation and study of the extent, nature and seriousness of the problem in Nebraska. Many essential facts as to the extent and depth of the bid-rigging problem have yet to be determined or have remained undisclosed. This resolution authorizes the appropriate committees of the Legislature to study the entire issue of bid-rigging in this state. An investigation and report by this committee is to include:

1. Length of time bid-rigging has been conducted in Nebraska;

2. Names and number of individuals, corporations and other entities involved in bid-rigging;

3. Possible participation or involvement, if any, of public employees and appointed or elected officials;

4. Determination of revenue lost by the State as a result of bid-rigging; and

5. Areas of possible bid-rigging which have not been investigated to date;

6. Recommendations of legislation that should be enacted in light of the findings of this study.

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

1. That the Public Works Committee and the Judiciary Committee shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the Committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolutions: 193, 239, 429, 583, LR 208, and LR 209.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 615. With Emergency.

A BILL FOR AN ACT relating to funds; to amend Laws 1982, Second Special Session, LB 1, section 21; to change certain appropriations; to appropriate certain amounts; to transfer funds; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala	Withem			

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Morehead

A constitutional 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 amend sections 77-2702 and 77-2703, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to define and redefine certain terms as prescribed; to change a provision relating to the sales and use tax; to provide a credit as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	DeCamp	Eret
Fenger	Fowler	Goll	Haberman	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Kilgarin	Labedz	Lamb	Lundy
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Von Minden
Wiitala				

Voting in the negative, 12:

Cullan	Goodrich	Johnson, V.	Kahle	Landis
Marsh	Sieck	Vickers	Wagner	Warner
Wesely	Withem			

Excused and not voting, 1:

Morehead

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 604. With Emergency.

A BILL FOR AN ACT relating to governmental programs; to amend sections 84-1321 and 84-1332, Reissue Revised Statutes of Nebraska, 1943, and sections 68-104, 68-115, 68-130, 68-313.01, 68-717, 68-1022, and 84-1317, Revised Statutes Supplement, 1982, Laws 1982, LB 522, section 46, and Laws 1982, LB 602, sections 6 and 7; to provide for a county program for general assistance as prescribed; to provide powers and duties; to provide for a hearing procedure; to harmonize provisions; to change provisions relating to medical and public assistance as prescribed; to change provisions relating to state employees' retirement system benefits and participation of certain employees in such system; to change an operative date; to provide operative dates; to repeal the original sections, and also sections 68-103, 68-105, 68-109, and 68-110, Revised Statutes Supplement, 1982, and Laws 1982, Legislative Bill 522, sections 20, 24, 25, and 26; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Lundy	Marsh
Newell	Nichol	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Schmit	Wagner	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 5:

Johnson, R.	Pappas	Sieck	Vickers	Von Minden

Excused and not voting, 1:

Morehead

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 615, 17, and 604.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 24, 1983, at 2:00 p.m., were the following bills: 193, 239, 429, and 583.

(Signed) Jan Loder, Enrolling Clerk

STANDING COMMITTEE REPORT
Agriculture and Environment

The Committee on Agriculture and Environment desires to report favorably upon the following appointment by the Governor. The Committee suggests the appointment be confirmed by the Legislature

and suggests a record vote.

Don D. Hutchens - Agricultural Products Utilization Committee - Gasohol

Voting aye: Senators Chronister, Eret, Pappas, Pirsch, Haberman. Nay: None. Absent: Senators R. Peterson, Remmers, Wiitala.

(Signed) Rex Haberman, Chairperson

MOTION - Suspend Rules

Mr. Chambers renewed his pending motion found in the Journal on page 2294 to place LB 211 on General File, notwithstanding the action of the Committee.

Speaker Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 19 ayes, 11 nays, and 19 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Chambers motion to suspend the rules lost with 6 ayes, 35 nays, and 8 present and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 24, 1983, at 2:25 p.m., were the following bills: 615, 17, and 604.

(Signed) Jan Loder, Enrolling Clerk

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 210.

The Chair declared the Call raised.

MOTION - Override Governor's Line-Item Veto on LB 628

Mr. Warner renewed his pending motion found in the Journal on page 2406 to override the Governor's line-item reduction which reduces the appropriation for Agency 13 - State Department of Education, Program 508 - School Assistance and Support, in Section 11 of

LB 628.

Mr. Hefner 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, 3 nays, and 19 not voting.

Whereupon the President stated: "The question shall be, 'Shall the above sections pass notwithstanding the line-item veto of the Governor?' "

Voting in the affirmative, 39:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Clark	Eret	Fenger	Goll
Haberman	Hannibal	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Lamb	Landis	Lundy	Marsh	Newell
Nichol	Pappas	Pirsch	Remmers	Rupp
Schmit	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Wiitala	Withem	

Voting in the negative, 6:

Beutler	Cullan	DeCamp	Fowler	Labedz
Peterson, H.				

Present and not voting, 3:

Goodrich	Morehead	Peterson, R.

Excused and not voting, 1:

Hefner

Having received a constitutional three-fifths majority voting in the affirmative, the above sections passed notwithstanding the line-item objections of the Governor.

Mr. Wesely renewed his pending motion found in the Journal on page 2412 to override the Governor's line-item reductions to the appropriations in LB 628, except for those line-item reductions shown in Section 11 - Agency No. 13 — State Department of Education, subdivision (4), Program No. 143 - State Aid and School Food Services

and Reserve Teacher Act and subdivision (14), Program No. 508 - School Assistance and Support; Section 14 - Agency No. 16 — Department of Revenue, subdivision (2), Program No. 105 - Property Tax Administration; Section 15 - Agency No. 17 — Department of Aeronautics, subdivision (1), Program No. 26 - Development and Enforcement; Section 30 - Agency No. 32 — Board of Educational Lands and Funds, subdivision (1), Program No. 529 - Land Surveys; Section 31 - Agency No. 33 — Game and Parks Commission, subdivision (4), Program No. 549 - Parks - Administration and Operation; Section 71 - Agency No. 78 — Nebraska Commission on Law Enforcement and Criminal Justice, subdivision (4), Program No. 201 - Crime Victim - Witness Assistance; and Section 75 - Agency No. 83 — Aid to Technical Community Colleges.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

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

Whereupon the President stated: "The question shall be, 'Shall the above sections pass notwithstanding the line-item veto of the Governor?' "

Voting in the affirmative, 12:

Chambers	Eret	Fowler	Johnson, R.	Johnson, V.
Landis	Marsh	Pappas	Schmit	Warner
Wesely	Wiitala			

Voting in the negative, 36:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	Cullan	DeCamp	Fenger
Goll	Goodrich	Haberman	Hannibal	Hefner
Higgins	Hoagland	Jacobson	Johnson, L.	Kahle
Kilgarin	Labedz	Lamb	Lundy	Morehead
Newell	Nichol	Peterson, H.	Peterson, R.	Pirsch
Remmers	Rupp	Vickers	Von Minden	Wagner
Withem				

Present and not voting, 1:

Sieck

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the above sections failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the Call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 217.

Introduced by Hefner, 19th District.

WHEREAS, the year 1983 marks the one hundredth anniversary of the Knox County Fair; and

WHEREAS, the Knox County Fair is an important and significant part of the heritage of Knox County; and

WHEREAS, the Knox County Fair Centennial will be held August 12-15, 1983, in Bloomfield, Nebraska; and

WHEREAS, the citizens of Knox County are deserving of special recognition for the Knox County Fair Centennial.

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

1. That the Legislature commends the citizens of Knox County for their heritage.

2. That the Legislature congratulates the citizens of Knox County.

Laid over.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 56. Placed on General File as amended.
Standing Committee amendments to LB 56:
AM1565

1. On page 10, line 8, after "status" insert an underscored period; and strike beginning with the comma in line 8 through line 11 and show the old matter as stricken.

2. Insert the following new section:

"Sec. 6. This act shall become operative on January 1, 1985.".

3. Renumber remaining section accordingly.

(Signed) Elroy Hefner, Chairperson

MOTION - Override Governor's Line-Item Veto on LB 628

Mrs. Pirsch moved pursuant to Rule 6, Section 14, that the Legislature override the Governor's line-item reduction which reduces the appropriation for Agency No. 78— Nebraska Commission on Law Enforcement and Criminal Justice, Program 201 - Crime Victim-Witness Assistance, in Section 71 of LB 628.

Purpose: To reinstate $39,739 General Funds for the Omaha Victim-Witness Assistance Center.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Pirsch moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mrs. Pirsch requested a roll call vote on her motion.

Whereupon the President stated: "The question shall be, 'Shall the above sections pass notwithstanding the line-item veto of the Governor?' "

Voting in the affirmative, 21:

Chambers	Cullan	Eret	Fenger	Goodrich
Higgins	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Landis	Marsh	Newell	Pappas
Pirsch	Schmit	Sieck	Vickers	Von Minden
Wiitala				

Voting in the negative, 28:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Fowler	Goll
Haberman	Hannibal	Hefner	Hoagland	Jacobson
Johnson, L.	Lamb	Lundy	Morehead	Nichol
Peterson, H.	Peterson, R.	Remmers	Rupp	Wagner
Warner	Wesely	Withem		

Not voting, 0.

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the above sections failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the Call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 218.

Introduced by Chambers, 11th District.

WHEREAS, the University of Nebraska participates in a national intercollegiate football program which produces millions of dollars through ticket sales and national television and other electronic broadcast contracts; and

WHEREAS, the football program promotes the university and generates valuable intangible benefits such as enhancement of image; and

WHEREAS, the university employs a large athletic department to administer its intercollegiate athletic program and a sizable football coaching staff charged primarily with the responsibility of producing a team capable of competing successfully with the best in the Big Eight Conference and in the nation; and

WHEREAS, Maintaining a winning football team is an important aspect of the university's overall business or occupation as an institution; and

WHEREAS, the football program could not exist without the athletes who play the arduous and sometimes dangerous game; and

WHEREAS, such athletes do not appear at the university by accident or happenstance but are actively recruited by university personnel; and

WHEREAS, a sound academic program for football players may be difficult to develop and maintain due to the demands of the sport; and

WHEREAS, due to the number of players who may not graduate, there may be a public perception that athletic eligibility may take priority over academic achievement; and

WHEREAS, the vast majority of football players will not become successful professional football players; and

WHEREAS, any athlete who may be injured while participating in any sport under the auspices of the University of Nebraska should be covered by workmen's compensation or some equivalent type of insurance; and

WHEREAS, the academic achievement of athletes should be given high priority.

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

That the University of Nebraska Board of Regents be requested to appoint a Committee to:

1. Review the academic content and quality of programs offered to

athletes as compared to those offered to students at large.

2. Determine whether an athlete may be entitled to workmen's compensation without losing eligibility to participate in intercollegiate athletics sanctioned by the NCAA.

3. Deliver its findings to the Clerk of the Legislature for distribution to all Senators.

That the Clerk of the Legislature send a copy of this Resolution to the Board of Regents, Coach Tom Osborne and Athletic Director Bob Devaney.

Laid over.

LEGISLATIVE RESOLUTION 219.

Introduced by Goodrich, 20th District; Wesely, 26th District.

WHEREAS, LB 410, enacted by the Eighty-eighth Legislature, First Session, creates a University Building Renovation and Land Acquisition Fund, into which funds will be deposited from proceeds of the cigarette tax each fiscal year 1984-85 through 1994-95; and

WHEREAS, such money is to be used for building repair, renovation, and land acquisition projects; and

WHEREAS, LB 410 authorizes the Board of Regents to make expenditures from this Fund for the renovation of Bessey Hall and Architectural Hall on the UNL Campus; and

WHEREAS, LB 410 also authorizes the Board of Regents to undertake similar renovation and land acquisition projects not specifically included among those listed in Section 4, with the specific approval of the Legislature; and

WHEREAS, there is an urgent need for a new climate control system for Morrill Hall on the UNL Campus for the preservation of the many museum exhibits included therein.

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

1. That the renovation of Morrill Hall on the UNL Campus, as may be designated by the Board of Regents, is hereby specifically approved as the next priority project on this campus.

2. That the interest accruing from the sale of the revenue bonds under LB 410 accredited to the UNL Campus is hereby authorized for expenditure by the Board of Regents for the Morrill Hall project.

3. That the interest accruing from the sale of the revenue bonds under LB 410 accredited to the UNO campus is hereby authorized for expenditure by the Board of Regents for the construction of access roads.

Laid over.

MOTION - Override Line Item Veto on LB 628

Mr. V. Johnson moved pursuant to Rule 6, Section 14, that the Legislature override the Governor's line-item reduction which reduces the appropriation for Agency No. 03 - Legislative Council, Program No. 122 - Legislative Services, Program No. 123 - Clerk of the Legislature, and Program No. 126 - Legislative Research Services in Section 1 subdivisions (1), (2) and (3) of LB 628.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Whereupon the President stated: "The question shall be, 'Shall the above sections pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 34:

Beutler	Beyer	Chambers	Chronister	Cullan
DeCamp	Eret	Fenger	Fowler	Haberman
Hannibal	Higgins	Hoagland	Jacobson	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Labedz	Landis
Lundy	Marsh	Morehead	Newell	Pappas
Pirsch	Rupp	Schmit	Sieck	Vickers
Wagner	Wesely	Wiitala	Withem	

Voting in the negative, 13:

Abboud	Barrett	Carsten	Clark	Goll
Goodrich	Hefner	Johnson, L.	Lamb	Nichol
Peterson, H.	Remmers	Von Minden		

Present and not voting, 2:

Peterson, R. Warner

Having received a constitutional three-fifths majority voting in the affirmative, the above sections passed notwithstanding the line-item objections of the Governor.

MOTION - Reconsider Action on LB 336

Mr. Wesely renewed his pending motion found in the Journal on page

2365 to reconsider the motion to indefinitely postpone LB 336.

Mr. Clark asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Wesely moved for a Call of the House. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mr. Chambers requested a roll call vote on the Wesely motion to reconsider.

Voting in the affirmative, 26:

Beutler	Beyer	Cullan	DeCamp	Eret
Fowler	Goodrich	Haberman	Hannibal	Hefner
Higgins	Johnson, R.	Johnson, V.	Kilgarin	Labedz
Morehead	Newell	Nichol	Pappas	Pirsch
Rupp	Schmit	Wagner	Wesely	Wiitala
Withem				

Voting in the negative, 22:

Abboud	Barrett	Carsten	Chambers	Chronister
Fenger	Goll	Hoagland	Jacobson	Johnson, L.
Kahle	Lamb	Landis	Lundy	Marsh
Peterson, H.	Peterson, R.	Remmers	Sieck	Vickers
Von Minden	Warner			

Excused and not voting, 1:

Clark

The Wesely motion to reconsider prevailed with 26 ayes, 22 nays, and 1 excused and not voting.

VISITORS

Visitors to the Chamber were Mary Lou, Julie and Amy Melcher from Lindsay; Irma Warta from Lincoln; Magdalene Rosene from Chicago, Illinois; and Mr. and Mrs. Lee Nelson and daughter from Sutton.

ADJOURNMENT

Mr. Wesely moved to adjourn. The motion prevailed with 24 ayes, 18 nays, 6 present and not voting, and 1 excused and not voting and at 5:25 p.m., the Legislature adjourned until 9:00 a.m., Wednesday, May 25, 1983.

Patrick J. O'Donnell
Clerk of the Legislature

NINETIETH DAY - MAY 25, 1983

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

NINETIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 25, 1983

Pursuant to adjournment, the Legislature met at 9:02 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Senator Marge Higgins.

ROLL CALL

The roll was called and all members were present except Mr. Beutler and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Ninth Day was approved.

COMMUNICATION ON LB 628

May 24, 1983

The Honorable Allen Beermann
Secretary of State
State of Nebraska
Room 2300
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 628 with Certificates attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached Certificate, notwithstanding the objections of the Governor.

Very truly yours,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/jb
Attachment
C.C. Governor Kerrey

CERTIFICATES

Legislative Bill 628 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

State Department of Education, Program No. 508 - School Assistance and Support, contained in Section 11, on pages 17 and 18 of LB 628.

Those provisions have become law this 24th day of May, 1983.

(Signed) Donald F. McGinley
President of the Legislature

Legislative Bill 628 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

Legislative Council, Program No. 122 - Legislative Services, Program No. 123 - Clerk of the Legislature, and Program No. 126 - Legislative Research Services contained in Section 1, subdivisions (1), (2), and (3) on pages 1 and 2 of LB 628.

Those provisions have become law this 24th day of May, 1983.

(Signed) Donald F. McGinley
President of the Legislature

MOTION - Approve Appointments

Mr. Landis moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following Governor appointment found in the Journal on page 2489: Jake Gonzales, Jr. - Director, Department of Veterans Affairs.

Voting in the affirmative, 41 :

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Cullan	DeCamp	Eret	Fenger
Fowler	Goll	Goodrich	Haberman	Hannibal

Hefner	Hoagland	Jacobson	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Remmers	Rupp	Sieck
Vickers	Von Minden	Wagner	Wesely	Wiitala
Withem				

Voting in the negative, 0.

Present and not voting, 6:

Clark	Higgins	Labedz	Lamb	Schmit
Warner				

Excused and not voting, 2:

Beutler	Pirsch

The appointment was confirmed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Mr. Haberman moved the adoption of the report of the Agriculture and Environment Committee for the following Governor appointment found in the Journal on page 2503: Don D. Hutchens - Agricultural Products Utilization Committee, Gasohol.

Voting in the affirmative, 40:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	Cullan	DeCamp	Eret	Fenger
Fowler	Goll	Goodrich	Haberman	Hannibal
Hefner	Hoagland	Johnson, L.	Johnson, V.	Kahle
Kilgarin	Labedz	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Peterson, R.	Remmers	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Wiitala	Withem

Voting in the negative, 0.

Present and not voting, 8:

Beutler	Chambers	Higgins	Jacobson	Johnson, R.
Lamb	Rupp	Schmit		

Excused and not voting, 1:

Pirsch

The appointment was confirmed with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

MOTION - Suspend Rules

Speaker Nichol moved to suspend the rules, Rule 6, Section 7(b) to permit consideration of the bills scheduled for final reading today, May 25.

The motion to suspend the rules prevailed wth 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

MOTION - Return LB 27 to Select File

Mr. Newell moved to return LB 27 to Select File for the following specific amendment:
To add a new section.

That the Nebraska Legislature recognizes the public importance of this issue and fully recongizes the break from the traditional tie that has existed between the Corporate Income Tax and the Individual Income Tax, and the Nebraska Legislature fully authorizes and requires the Sec. of State to place this issue on the 1984 Primary ballot for a referendum on the issue.

Mr. Newell asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

Mr. Wesely moved to return LB 27 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Wesely asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 27. With Emergency.

A BILL FOR AN ACT to amend section 77-2734, Revised Statutes Supplement, 1982, relating to revenue and taxation; to change the corporate franchise tax as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	DeCamp	Eret	Fenger	Goll
Goodrich	Haberman	Hannibal	Hefner	Higgins
Jacobson	Johnson, L.	Johnson, R.	Kahle	Labedz
Lamb	Lundy	Marsh	Morehead	Nichol
Pappas	Peterson, H.	Peterson, R.	Pirsch	Remmers
Rupp	Schmit	Sieck	Von Minden	Warner
Withem				

Voting in the negative, 13:

Beutler	Chambers	Cullan	Fowler	Hoagland
Johnson, V.	Kilgarin	Landis	Newell	Vickers
Wagner	Wesely	Wiitala		

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 120. With Emergency.

A BILL FOR AN ACT to amend sections 39-1302 and 39-1320.06, Reissue Revised Statutes of Nebraska, 1943, and sections 39-602 and 39-1320.01, Revised Statutes Supplement, 1982, relating to highways and signs; to define terms; to harmonize provisions; to authorize certain expenditures; to prohibit certain signs; 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?' "

Mrs. Marsh requested a roll call vote.

Voting in the affirmative, 46:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	DeCamp	Eret	Fenger

Fowler	Goll	Goodrich	Haberman	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Sieck	Vickers
Von Minden	Wagner	Warner	Wesely	Wiitala
Withem				

Voting in the negative, 3:

Clark	Cullan	Schmit

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 124.

A BILL FOR AN ACT relating to energy; to amend sections 66-1020, 81-1606, 81-1610 to 81-1615, 81-1617, 81-1620, 81-1622, and 81-1625, Reissue Revised Statutes of Nebraska, 1943, and sections 66-1030, 66-1035, 66-1047, 66-1048, 66-1055, 77-2715, 81-1609, 81-1616, 81-1618, 81-1623, and 81-1632, Revised Statutes Supplment, 1982; to revive sections 66-1019 to 66-1028, Reissue Revised Statutes of Nebraska, 1943; to revive provisions relating to an energy conservation tax exemption; to change the powers and duties of the State Energy Office and the Building Energy Conservation Standards Board; to change provisions relating to lighting and thermal efficiency standards and school district energy efficiency grants; to change provisions relating to an income tax credit; to define a term; to redefine terms; to harmonize provisions; to extend a termination date; to repeal the original sections, and also section 81-1624, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1619 and 81-1621, Revised Statutes Supplement, 1982.

Whereupon the 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Cullan	DeCamp	Eret

Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Johnson, L.
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Peterson, H.	Peterson, R.	Pirsch
Rupp	Schmit	Sieck	Vickers	Von Minden
Wagner	Warner	Wesely	Wiitala	Withem

Voting in the negative, 4:

Clark	Jacobson	Pappas	Remmers

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 210 to Select File

Mr. Beutler moved to return LB 210 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Lundy and Speaker Nichol asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

Mr. Chambers moved to return LB 210 to Select File for the following specific amendment:
Strike enacting clause

Mr. Chambers asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 27, 120, and 124.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 210.

A BILL FOR AN ACT relating to retirement; to amend section 84-1319, Reissue Revised Statutes of Nebraska, 1943, and section 23-2317, Revised Statutes Supplement, 1982; to change provisions relating to future service retirement benefits for county and state employees as prescribed; to create funds; to provide duties; 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, 28:

Beyer	Carsten	Chambers	Chronister	Eret
Fowler	Haberman	Hannibal	Higgins	Hoagland
Jacobson	Johnson, R.	Johnson, V.	Kilgarin	Labedz
Landis	Marsh	Morehead	Newell	Pappas
Pirsch	Rupp	Schmit	Vickers	Warner
Wesely	Wiitala	Withem		

Voting in the negative, 19:

Abboud	Barrett	Beutler	Clark	Cullan
Fenger	Goll	Goodrich	Hefner	Johnson, L.
Kahle	Lamb	Lundy	Nichol	Peterson, H.
Peterson, R.	Remmers	Sieck	Von Minden	

Present and not voting, 2:

DeCamp Wagner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 210A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 210, Eighty-eighth Legislature, First Session, 1983.

Voting in the affirmative, 30:

Beyer	Carsten	Chambers	Chronister	Eret
Fowler	Haberman	Hannibal	Higgins	Hoagland
Jacobson	Johnson, R.	Johnson, V.	Kilgarin	Labedz
Landis	Lundy	Marsh	Morehead	Newell

Pappas	Pirsch	Rupp	Schmit	Vickers
Wagner	Warner	Wesely	Wiitala	Withem

Voting in the negative, 19:

Abboud	Barrett	Beutler	Clark	Cullan
DeCamp	Fenger	Goll	Goodrich	Hefner
Johnson, L.	Kahle	Lamb	Nichol	Peterson, H.
Peterson, R.	Remmers	Sieck	Von Minden	

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 224.

A BILL FOR AN ACT to amend sections 57-701, 57-702, 57-704, 57-707, 57-709, 57-710, and 57-903, Reissue Revised Statutes of Nebraska, 1943, and section 57-919, Revised Statutes Supplement, 1982, relating to oil and gas; to redefine terms; to change provisions relating to payment of the severance tax; to provide for interest for delinquent payments; to change provisions relating to the conservation charge on oil and natural gas; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Barrett	Beutler	Beyer	Carsten	Chambers
Chronister	DeCamp	Eret	Fenger	Fowler
Goll	Goodrich	Haberman	Hannibal	Hefner
Higgins	Hoagland	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Pirsch	Rupp	Schmit
Sieck	Vickers	Wagner	Warner	Wesely
Wiitala	Withem			

Voting in the negative, 5:

Abboud	Clark	Cullan	Remmers	Von Minden

Present and not voting, 2:

Jacobson Peterson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 228.

A BILL FOR AN ACT to amend sections 57-701, 57-702, and 57-903, Reissue Revised Statutes of Nebraska, 1943, and sections 57-703 and 57-705, Revised Statutes Supplement, 1982, relating to gas and oil; to define terms; to change provisions relating to oil and gas severance taxes; to provide for payment of such taxes as prescribed; to provide collection procedures; to provide powers and duties; to provide penalties; to provide an operative date; to provide for severability; and to repeal the original sections, and also sections 57-711 and 57-713, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Barrett	Beutler	Beyer	Carsten	Chambers
Chronister	Cullan	DeCamp	Eret	Fowler
Goll	Goodrich	Hannibal	Higgins	Hoagland
Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Pappas	Pirsch	Rupp
Schmit	Sieck	Vickers	Warner	Wesely
Wiitala	Withem			

Voting in the negative, 10:

Abboud	Clark	Haberman	Hefner	Jacobson
Johnson, L.	Peterson, H.	Remmers	Von Minden	Wagner

Present and not voting, 2:

Fenger Peterson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 244. With Emergency.

A BILL FOR AN ACT to amend section 39-6,177, Revised Statutes Supplement, 1982, relating to highways; to change provisions relating to authorized vehicle widths; to provide powers; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	DeCamp	Eret	Fenger	Goll
Goodrich	Haberman	Hannibal	Hefner	Higgins
Hoagland	Jacobson	Johnson, L.	Johnson, R.	Johnson, V.
Kahle	Kilgarin	Labedz	Lamb	Landis
Lundy	Marsh	Morehead	Newell	Nichol
Pappas	Peterson, H.	Peterson, R.	Remmers	Rupp
Schmit	Sieck	Vickers	Von Minden	Wagner
Warner	Wiitala	Withem		

Voting in the negative, 6:

Beutler	Chambers	Cullan	Fowler	Pirsch
Wesely				

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 259.

A BILL FOR AN ACT relating to gambling; to amend sections 28-1101, 28-1105, and 28-1113 to 28-1116, Reissue Revised Statutes of Nebraska, 1943, and sections 9-124, 9-125, 9-127, 9-133, 9-141 to 9-145, 9-149, 9-150, 9-153, 9-156, 9-158, 9-160, 9-162 to 9-165, 9-168 to 9-170, and 9-172 to 9-174, Revised Statutes Supplement, 1982; to change provisions relating to gambling; to provide for the regulation of bingo, lottery by the sale of pickle cards, and other lotteries as prescribed; to change intent; to define and redefine terms; to create a commission; to provide powers and duties; to eliminate powers and duties of the State Treasurer; to rename an act; to impose a tax; to change provisions relating to certain taxes; to harmonize provisions; to provide penalties; to provide severability; and to repeal the original sections, and also

section 9-130, Revised Statutes Supplement, 1982.

Whereupon the 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Chronister	Clark	Cullan	DeCamp
Eret	Fenger	Fowler	Goll	Goodrich
Haberman	Hannibal	Hefner	Higgins	Hoagland
Jacobson	Johnson, L.	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Lamb	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Remmers	Rupp	Sieck
Vickers	Von Minden	Wagner	Wesely	Wiitala
Withem				

Voting in the negative, 1:

Warner

Present and not voting, 2:

Pirsch Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 259A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 259, Eighty-eighth Legislature, First Session, 1983.

Whereupon the 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:

Abboud	Barrett	Beutler	Beyer	Chambers
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Johnson, L.

Johnson, R.	Johnson, V.	Kahle	Kilgarin	Labedz
Lamb	Landis	Lundy	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Rupp	Schmit	Sieck
Vickers	Von Minden	Wagner	Warner	Wesely
Wiitala	Withem			

Voting in the negative, 0.

Present and not voting, 2:

Carsten Jacobson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 370.

A BILL FOR AN ACT relating to political subdivisions; to prohibit certain contracts involving certain officers; to define terms; to require the filing of certain information; to amend sections 15-603, 16-502, 17-611, 23-324.07, and 49-14,101, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3216 and 19-613, Revised Statutes Supplement, 1982; to harmonize provisions; to provide penalties; and to repeal the original sections, and also sections 23-146, 23-147, and 79-442, Reissue Revised Statutes of Nebraska, 1943, and section 18-301, Revised Statutes Supplement, 1982.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Barrett	Beyer	Carsten	Chronister	Cullan
DeCamp	Eret	Fenger	Fowler	Goll
Goodrich	Hannibal	Hefner	Higgins	Hoagland
Johnson, L.	Johnson, R.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Landis	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Rupp	Schmit	Sieck	Vickers
Von Minden	Wagner	Warner	Wiitala	Withem

Voting in the negative, 7:

Abboud	Clark	Haberman	Jacobson	Lundy

Remmers Wesely

Present and not voting, 2:

Beutler Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 490 to Select File

Mrs. Higgins moved to return LB 490 to Select File for the following specific amendment:
strike the enacting clause on LB 490

Mrs. Higgins asked unanimous consent to withdraw her pending motion to return. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 490. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to provide intent; to define terms; to provide community action services as prescribed; to provide for service areas; to provide for community action agencies; to provide for agency administration; to provide powers and duties; 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, 25:

Carsten	Chambers	Eret	Fowler	Hannibal
Higgins	Hoagland	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Landis	Lundy	Marsh
Morehead	Newell	Rupp	Schmit	Sieck
Vickers	Warner	Wesely	Wiitala	Withem

Voting in the negative, 24:

Abboud	Barrett	Beutler	Beyer	Chronister

Clark	Cullan	DeCamp	Fenger	Goll
Goodrich	Haberman	Hefner	Jacobson	Johnson, L.
Lamb	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Von Minden	Wagner	

Not voting, 0.

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 25:

Carsten	Chambers	Eret	Fowler	Hannibal
Higgins	Hoagland	Johnson, R.	Johnson, V.	Kahle
Kilgarin	Labedz	Landis	Lundy	Marsh
Morehead	Newell	Rupp	Schmit	Sieck
Vickers	Warner	Wesely	Wiitala	Withem

Voting in the negative, 24:

Abboud	Barrett	Beutler	Beyer	Chronister
Clark	Cullan	DeCamp	Fenger	Goll
Goodrich	Haberman	Hefner	Jacobson	Johnson, L.
Lamb	Nichol	Pappas	Peterson, H.	Peterson, R.
Pirsch	Remmers	Von Minden	Wagner	

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 531.

A BILL FOR AN ACT relating to cities of the first class; to establish a retirement system for firefighters as prescribed; to create funds; to authorize a levy; to exclude certain contributions from budget limitation provisions; to provide an operative date; to repeal pension provisions; and to repeal sections 35-201 to 35-216, Revised Statutes Supplement, 1982.

Whereupon the 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:

Abboud	Barrett	Beyer	Carsten	Chambers
Chronister	Cullan	DeCamp	Eret	Fenger
Fowler	Goll	Goodrich	Haberman	Hannibal
Hefner	Higgins	Hoagland	Johnson, L.	Johnson, R.
Johnson, V.	Kahle	Kilgarin	Landis	Lundy
Marsh	Morehead	Newell	Nichol	Pappas
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rupp
Schmit	Sieck	Vickers	Von Minden	Wagner
Warner	Wesely	Wiitala	Withem	

Voting in the negative, 3:

Clark	Jacobson	Lamb

Present and not voting, 2:

Beutler	Labedz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 626.

A BILL FOR AN ACT to adopt the Nebraska Investment Finance Authority Act; to amend sections 48-1002 and 48-1220, Reissue Revised Statutes of Nebraska, 1943, and sections 48-1102, 66-1005, and 66-1009, Revised Statutes Supplement, 1982; to redefine terms; to change provisions relating to utility loans; to repeal the Nebraska Mortgage Finance Fund Act, the Agricultural Development Corporation Act, and the Nebraska Development Finance Fund Act; to provide severability; to repeal the original sections, and also sections 76-1601 to 76-1651, Reissue Revised Statutes of Nebraska, 1943, and sections 2-4101 to 2-4156 and 76-1801 to 76-1841, Revised Statutes Supplement, 1982.

Whereupon the 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:

Chronister	Cullan	DeCamp	Eret	Fowler
Goodrich	Haberman	Hannibal	Hefner	Higgins
Hoagland	Jacobson	Johnson, R.	Johnson, V.	Kahle

Kilgarin	Labedz	Lamb	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, H.
Rupp	Schmit	Sieck	Wagner	Wesely
Wiitala	Withem			

Voting in the negative, 17:

Abboud	Barrett	Beutler	Beyer	Carsten
Chambers	Clark	Fenger	Goll	Johnson, L.
Landis	Peterson, R.	Pirsch	Remmers	Vickers
Von Minden	Warner			

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 210, 210A, 224, 228, 244, 259, 259A, 370, 490, 531, and 626.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 490.

(Signed) Rod Johnson, Chairperson

VISITORS

Visitors to the Chamber were Barry Kennedy from Pawnee City; 12 Girl Scouts and leader from Bartley; and 11 students and teachers from the Nebraska School for the Visually Handicapped, Nebraska City.

RECESS

At 12:02 p.m., on a motion by Mrs. Pirsch, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:35 p.m, President McGinley presiding.

ROLL CALL

The roll was called and all members were present except Mr. V. Johnson who was excused; and Messrs. Carsten, Wagner, Miss Kilgarin, and Mrs. Pirsch who were excused until they arrive.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 25, 1983, at 11:48 a.m., were the following bills: 27, 120, and 124.

(Signed) Jan Loder, Enrolling Clerk

Presented to the Governor on May 25, 1983, at 1:30 p.m., were the following bills: 210, 210A, 224, 228, 244, 259, 259A, 370, 490, 531, and 626.

(Signed) Pamela Moravec, Enrolling Clerk

Mr. Lundy asked unanimous consent to be excused until he returns. No objections. So ordered.

COMMUNICATIONS

Acknowledged receipt of Resolution, Senate Memorial No. 1, from the State of Colorado regarding the release of Raoul Wallenberg from the Union of Soviet Socialist Republics.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 599. With Emergency.

A BILL FOR AN ACT relating to corporations; to adopt the Corporate Takeover Act; to eliminate certain provisions relating to corporate takeovers; to repeal sections 21-2401 to 21-2417, Reissue Revised Statutes of Nebraska, 1943; to provide for severability; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud	Barrett	Beyer	Chronister	Clark
Cullan	DeCamp	Eret	Fenger	Fowler
Goll	Goodrich	Haberman	Hannibal	Hefner
Higgins	Jacobson	Johnson, L.	Johnson, R.	Kahle
Labedz	Lamb	Landis	Marsh	Morehead
Newell	Nichol	Pappas	Peterson, H.	Peterson, R.
Remmers	Rupp	Schmit	Sieck	Vickers
Von Minden	Warner	Wesely	Wiitala	Withem

Voting in the negative, 3:

Beutler	Chambers	Hoagland

Excused and not voting, 6:

Carsten	Johnson, V.	Kilgarin	Lundy	Pirsch
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 629. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds; to state intent; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Abboud	Barrett	Beutler	Beyer	Chambers
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Kahle	Kilgarin	Labedz
Lamb	Landis	Marsh	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Warner	Wesely	Wiitala	Withem	

Voting in the negative, 0.

Excused and not voting, 5:

Carsten	Johnson, V.	Lundy	Pirsch	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 632. With Emergency.

A BILL FOR AN ACT to amend sections 44-1620.01 and 44-1625, Revised Statutes Supplement, 1982, relating to the state insurance program; to change state contributions; to provide powers for the Risk Manager; to change provisions relating to special benefits; to provide for a study of state insurance programs as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Barrett	Beutler	Beyer	Chambers
Chronister	Clark	Cullan	DeCamp	Eret
Fenger	Fowler	Goll	Goodrich	Haberman
Hannibal	Hefner	Higgins	Hoagland	Jacobson
Johnson, L.	Johnson, R.	Kahle	Kilgarin	Labedz
Lamb	Landis	Marsh	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Remmers
Rupp	Schmit	Sieck	Vickers	Von Minden
Warner	Wesely	Wiitala	Withem	

Voting in the negative, 0.

Excused and not voting, 5:

Carsten	Johnson, V.	Lundy	Pirsch	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 632A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 632,

Eighty-eighth Legislature, First Session, 1983; to appropriate funds to certain institutions of higher education; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Abboud	Barrett	Beutler	Beyer	Carsten
Chronister	Clark	DeCamp	Eret	Fenger
Fowler	Goll	Goodrich	Haberman	Hannibal
Hefner	Higgins	Hoagland	Jacobson	Johnson, L.
Johnson, R.	Kahle	Kilgarin	Labedz	Lamb
Landis	Lundy	Marsh	Morehead	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Remmers
Rupp	Schmit	Sieck	Vickers	Wagner
Warner	Wesely	Wiitala	Withem	

Voting in the negative, 1:

Cullan

Present and not voting, 2:

Chambers Von Minden

Excused and not voting, 2:

Johnson, V. 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.

MESSAGE FROM THE GOVERNOR

May 25, 1983

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

Dear Mr. President and Senators:

I am herewith returning LB 615 with my signature but with line-item veto reductions.

Contained in this bill is an increase in the budget of the Foster Care Review Board of $19,000. When the Legislature passed LB 714 last year the second year funding for this new agency was anticipated to be $83,000 which would have been a 9.1% increase over the current year appropriation. The general fund budget for FY 83/84 if the $19,000 were left intact would be $92,665 or an increase of 21.9%. If the anticipated federal and cash funds are added, this agency would have experienced a 125.7% growth in its first year.

I have therefore eliminated the $19,000 increase leaving a total estimated budget of $152,665 or a 100.8% increase over the current year. Considering the increases that are being granted to other agencies, this would seem to be more than adequate.

Sincerely,
(Signed) ROBERT KERREY
Governor

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolution 216.

LR	Committee
216	Public Works/Judiciary

(Signed) Vard Johnson, Chairperson
Legislative Council Executive Board

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 599, 629, 632, and 632A.

RESOLUTION

LEGISLATIVE RESOLUTION 72. Read. Considered.

Mr. Von Minden renewed his pending motion found in the Journal on page 2182 to place LR 72 on General File notwithstanding the committee action.

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. Von Minden moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Von Minden requested a roll call vote on his motion.

Voting in the affirmative, 25:

Abboud	Beyer	Carsten	Chronister	Clark
Cullan	DeCamp	Eret	Goll	Goodrich
Haberman	Hefner	Hoagland	Jacobson	Johnson, L.
Lamb	Nichol	Pappas	Peterson, H.	Peterson, R.
Remmers	Schmit	Sieck	Von Minden	Wagner

Voting in the negative, 11:

Chambers	Fowler	Hannibal	Higgins	Johnson, R.
Kahle	Landis	Lundy	Rupp	Vickers
Wesely				

Present and not voting, 11:

Barrett	Beutler	Fenger	Kilgarin	Labedz
Marsh	Morehead	Newell	Warner	Wiitala
Withem				

Excused and not voting, 2:

Johnson, V. Pirsch

Mr. Landis requested a ruling of the Chair as to whether Rule 4, Sec. 9 requiring 25 votes applies or whether Rule 3, Sec. 16 requiring 30 votes applies.

The Chair ruled the motion requires 30 votes.

The Von Minden motion lost with 25 ayes, 11 nays, 11 present and not voting, and 2 excused and not voting.

Mr. Haberman challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

The Chair declared the Call raised.

Mr. Haberman asked unanimous consent to withdraw his motion to

overrule the Chair. No objections. So ordered.

MESSAGES FROM THE GOVERNOR

May 25, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 17, 604, 159, 408, 146, 118, 118A, 356, 356A, 447, 429, 193, 583 and 239 were received in my office on May 24, 1983.

These bills were signed by me on May 25, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

May 25, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 254, 254A and 618 were received in my office on May 23, 1983.

These bills were signed by me on May 25, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

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

Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I hereby return LB 126 and LB 126A without my signature and with my objections.

First of all, I commend Senator Cullan and others who supported this bill for two things:

1. Recognizing the need for aid assistance for Nebraska's postsecondary students and for recognizing the importance of work-study programs.

2. Engaging in the discussion of the philosophy of funding for postsecondary education. There is little doubt that much courage will be required of us as we approach this issue in the future. At the current level of funding (nearly $200 million) simple mathematics forces us to this conclusion.

While I applaud your efforts my objections are as follows:

1. There remains a serious flaw in the legislation relating to its tendency to favor private institutions, potential for worker displacement, and difficulty in policing.

2. Under no circumstances could I recommend funding this program this year and there remains serious doubt about my ability to do so next year. Adopting a new unfunded student aid program when a previous one - the State Student Scholarship Program - remains unfunded, and when several legislative studies of higher education are pending, is not a sound approach to making long-term improvements.

While the restoration of some federal cuts does provide relief to Nebraska students and postsecondary institutions, some state assistance does appear appropriate. The types of programs and the proper mix should be established at the outset on the basis of a comprehensive review of state higher education needs and existing policy. Such a review should address the aid implications of below cost tuition levels, the relationship of need and merit, the state's responsibility to assist the various types of postsecondary education, and the relationship of higher education to other top public priorities in Nebraska.

In the meantime, I urge you to support and sustain my veto of this substantial future spending program.

Sincerely,
(Signed) ROBERT KERREY
Governor

RESOLUTIONS

LEGISLATIVE RESOLUTION 70. Read. Considered.

Mr. Newell moved to raise LR 70 since it has not been acted upon by the Committee.

Mr. Newell moved for a Call of the House. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

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

Voting in the affirmative, 20:

Beutler	Chambers	Eret	Fowler	Goodrich
Hoagland	Kahle	Kilgarin	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Rupp
Sieck	Vickers	Wesely	Wiitala	Withem

Voting in the negative, 19:

Abboud	Barrett	Beyer	Carsten	Chronister
Clark	Cullan	DeCamp	Haberman	Hannibal
Hefner	Jacobson	Johnson, L.	Johnson, R.	Labedz
Lamb	Landis	Peterson, H.	Remmers	

Present and not voting, 7:

Fenger	Goll	Higgins	Peterson, R.	Schmit
Von Minden	Wagner			

Absent and not voting, 1:

Warner

Excused and not voting, 2:

Johnson, V. Pirsch

The Newell motion lost with 20 ayes, 19 nays, 7 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE RESOLUTION 218. Read. Considered.

Mr. Hoagland offered the following amendment:

Add a new paragraph 3: Determine whether the University should purchase for the athletes disabling or other forms of insurance covering them in event of injury or death.

Renumber remaining paragraphs.

The amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

LR 218 was adopted with 25 ayes, 6 nays, 15 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE RESOLUTION 103. Read. Considered.

LR 103 was adopted with 25 ayes, 4 nays, and 20 not voting.

LEGISLATIVE RESOLUTION 211. Read. Considered.

LR 211 was adopted with 32 ayes, 0 nays, and 17 not voting.

MOTION - Suspend Rules

Mr. DeCamp moved to suspend the rules, Rule 4, Section 5 and adopt LR's 212, 213, 214, 215, and 217.

The DeCamp motion to suspend the rules and adopt the above resolutions prevailed with 33 ayes, 0 nays, and 16 not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 25, 1983, at 3:00 p.m., were the following bills: 632, 629, 599, 632A.

(Signed) Jan Loder, Enrolling Clerk

REPORT ON LB 615

Mr. Warner announced pursuant to Rule 6, Section 14, the Appropriations Committee has reviewed the Governor's line-item veto to LB 615. Pursuant to this review, the Appropriations Committee by majority vote has decided to not recommend that the Legislature override the line-item reduction in LB 615 to the Foster Care Review

Board, for Program 116, contained in Section 2, on page 7 of LB 615.

MOTION - Override Line-Item Veto on LB 615

Messrs. Barrett, Chambers, Cullan, DeCamp, Fenger, Landis, R. Peterson, and Mrs. Marsh moved pursuant to Rule 6, Section 14, that the Legislature override the Governor's line-item reduction which reduces the appropriation for the Foster Care Review Board, for Program 116, contained in Section 2, on Page 7 of LB 615.

Whereupon the President stated: "The question shall be, "Shall the above sections pass notwithstanding the line-item veto of the Governor?' "

Voting in the affirmative, 32:

Barrett	Beyer	Chronister	Clark	Cullan
DeCamp	Eret	Fenger	Fowler	Goll
Haberman	Higgins	Jacobson.	Johnson, R.	Kahle
Kilgarin	Lamb	Landis	Lundy	Marsh
Morehead	Newell	Nichol	Pappas	Peterson, R.
Remmers	Rupp	Schmit	Sieck	Warner
Wesely	Wiitala			

Voting in the negative, 0.

Present and not voting, 14:

Beutler	Carsten	Chambers	Goodrich	Hannibal
Hefner	Hoagland	Johnson, L.	Labedz	Peterson, H.
Vickers	Von Minden	Wagner	Withem	

Excused and not voting, 3:

Abboud	Johnson, V.	Pirsch

Having received a constitutional three-fifths majority voting in the affirmative, the above sections passed notwithstanding the line-item objections of the Governor.

Mr. Vickers asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Override Line-Item Veto on LB 628

Mr. Lamb moved pursuant to Rule 6, Section 14, to override the

Governor's line-item reduction which reduces the appropriation for the State Department of Education, Program 143, State Aid and School Food Services and Reserve Teacher Act, including the $5,375 for tuition payments for children in Class VI school districts attending school out of state with the approval of the State Board of Education.

Mr. Lamb moved for a Call of the House. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Whereupon the President stated: "The question shall be, 'Shall the above sections pass notwithstanding the line-item veto of the Governor?' "

Voting in the affirmative, 30:

Barrett	Beyer	Carsten	Chronister	Clark
Cullan	DeCamp	Eret	Fenger	Goll
Haberman	Hannibal	Higgins	Jacobson	Kahle
Labedz	Lamb	Landis	Lundy	Newell
Nichol	Pappas	Peterson, H.	Peterson, R.	Remmers
Rupp	Schmit	Sieck	Von Minden	Wiitala

Voting in the negative, 3:

Goodrich	Kilgarin	Wesely

Present and not voting, 12:

Beutler	Chambers	Fowler	Hefner	Hoagland
Johnson, L.	Johnson, R.	Marsh	Morehead	Wagner
Warner	Withem			

Excused and not voting, 4:

Abboud	Johnson, V.	Pirsch	Vickers

Having received a constitutional three-fifths majority voting in the affirmative, the above sections passed notwithstanding the line-item objections of the Governor.

The Chair declared the Call raised.

COMMUNICATION ON LB 615

May 25, 1983

The Honorable Allen Beermann
Secretary of State
State of Nebraska
Room 2300
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 615, with a Certificate attached thereto, signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached Certificate, notwithstanding the objections of the Governor.

Very truly yours,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/pb
Attachment
c.c. Governor Robert Kerrey

CERTIFICATE

Legislative Bill 615 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

Foster Care Review Board, for Program 116, contained in Section 2, on page 7 of LB 615.

Those provisions have become law this 25th day of May, 1983.

(Signed) Donald F. McGinley
President of the Legislature

COMMUNICATION ON LB 628

May 25, 1983

The Honorable Allen Beermann
Secretary of State
State of Nebraska
Room 2300
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 628, with a Certificate attached thereto, signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached Certificate, notwithstanding the objections of the Governor.

Very truly yours,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/pb
Attachment
c.c. Governor Robert Kerrey

CERTIFICATE

Legislative Bill 628, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature, by the constitutional majority, has overridden said line-item vetoes as follows:

State Department of Education, Program 143 - State Aid and School Food Services and Reserve Teachers Act, including the $5,375 for tuition payments for children in Class VI school district, contained in Section 11, on page 12 through 13 of LB 628.

Those provisions have become law this 25th day of May, 1983.

(Signed) Donald F. McGinley
President of the Legislature

PJO/pb
Attachment
c.c. Governor Robert Kerrey

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Lundy asked unanimous consent to have his name added as co-introducer to LR 112. No objections. So ordered.

Messrs. Remmers, DeCamp, and Beyer asked unanimous consent to have their name added as co-introducers to LR 113. No objections. So ordered.

Mr. Wesely asked unanimous consent to have his name added as co-introducer to LR 103. No objections. So ordered.

MOTION - Session Laws and Journals

Mr. Carsten 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 sent to each member of the Legislature a copy of the loose-leaf session laws and of the permanent Journal and Session Laws.

The motion prevailed.

MOTION - Approve Journal

Mr. Clark moved that the Journal for the Ninetieth Day, as prepared by the Clerk, be approved.

The motion prevailed.

MOTION - Advise Governor

Mr. Pappas moved that a committee of 5 be appointed to advise the Governor that the Eighty-Eighth Legislature, First Session, of the Nebraska State Legislature is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Mrs. Labedz, Messrs. Lundy, Jacobson, Newell, and Sieck to serve on said committee.

The Chair escorted the Governor to the rostrum where he addressed the body.

The committee escorted the Governor from the Chamber.

APPRECIATION

Senators Wesely and DeCamp presented Senator Fowler with a certificate and plaque to express the Legislature's appreciation for his years of service in the Nebraska Unicameral Legislature.

VISITORS

Visitors to the Chamber were Wayne Blayze and Art Sholhosk.

MOTION - Adjourn Sine Die

Mr. Fowler moved that the Eighty-Eighth Legislature, First Session, of the Legislature, having finished all business before it, now at 4:50 p.m.,

adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature

RECEIVED AFTER ADJOURNMENT

LEGISLATIVE JOURNAL

RECEIVED AFTER ADJOURNMENT

LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION

MESSAGE FROM THE GOVERNOR

May 26, 1983

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 120, 124, 632, 632A, 599, 210, 210A, 224, 228, 244, 259, 259A, 370, 531 and 626 were received in my office on May 25, 1983.

These bills were signed by me on May 26, 1983 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

MESSAGE FROM THE SECRETARY OF STATE

May 26, 1983

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

Re: L.B. 628, Eighty-eighth Legislature, First Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on May 25, 1983 at 4 o'clock p.m., L.B. 628. Along with L.B. 628, I hereby acknowledge receipt of your cover letter and a certificate signed by Donald F.

McGinley, Presiding Officer and President of the Legislature, the contents of which are as follows:

"Legislative Bill 628 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

State Department of Education, Program No. 508 - School Assistance and Support, contained in Section 11, on pages 17 and 18 of LB 628.

Those provisions have become law this 24th day of May, 1983."

"Legislative Council, Program No. 122 - Legislative Services, Program No. 123 - Clerk of the Legislature, and Program No. 126 - Legislative Research Services contained in Section 1, subdivisions (1), (2), and (3) on pages 1 and 2 of LB 628.

Those provisions have become law this 24th day of May, 1983."

State Department of Education, Program 143 - State Aid and School Food Services and Reserve Teachers Act, including the $5,375 for tuition payments for children in Class VI school districts, contained in Section 11, on pages 12 through 13 of LB 628.

Those provisions have become law this 25th day of May, 1983.

Further, I hereby acknowledge that L.B. 628, cover letter, certificate and a 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 628, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature, by the Constitutional majority, has overridden said line-item vetoes as follows:

State Department of Education, Program 143 - State Aid and School Food Services and Reserve Teachers Act, including the $5,375 for tuition payments for children in Class VI school districts, contained in Section 11, on pages 12 through 13 of LB 628.

Those provisions have become law this 25th day of May, 1983.

State Department of Education, Program No. 508 - School

Assistance and Support, contained in Section 11, on pages 17 and 18 of LB 628.

Those provisions have become law this 24th day of May, 1983.

Legislative Council, Program No. 122 - Legislative Services, Program No. 123 - Clerk of the Legislature, and Program No. 126 - Legislative Research Services contained in Section 1, subdivisions (1), (2), and (3) on pages 1 and 2 of LB 628.

Those provisions have become law this 24th day of May, 1983.

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

Done at Lincoln this twenty-sixth day of May in the year of our Lord, one thousand nine hundred and eighty-three.

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

MESSAGE FROM THE SECRETARY OF STATE

May 26, 1983

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

Re: L.B. 615, Eighty-eighth Legislature, First Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on May 25, 1983 at 4 o'clock p.m., L.B. 615. Along with L.B. 615, I hereby acknowledge receipt of your cover letter and a certificate signed by Donald F. McGinley, Presiding Officer and President of the Legislature, the contents of which are as follows:

"Legislative Bill 615 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

Foster Care Review Board, for Program 116, contained in Section 2, on page 7 of L.B. 615.

Those provisions have become law this 25th day of May, 1983."

Further, I hereby acknowledge that L.B. 615, cover letter, certificate and a 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 615, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature, by the Constitutional majority, has overridden said line-item vetoes as follows:

Foster Care Review Board, for Program 116, contained in Section 2, on page 7 of L.B. 615.

This provision has become law the 25th day of May, 1983.

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

Done at Lincoln this twenty-sixth day of May in the year of our Lord, one thousand nine hundred and eighty-three.

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

MESSAGE FROM THE GOVERNOR

May 26, 1983

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

Dear Mr. President and Senators:

I hereby return LB 490 without my signature and with my objections.

The purpose of LB 490 is to establish community action agencies as subdivisions of Nebraska state government and to provide a source of funding. While this is a noble intention, there are several practical flaws in LB 490.

First, the State is required to assume all existing community action agencies which are independent, private non-profit corporations. No

provisions are made in LB 490 for an assessment of obligations or for an analysis of an agency's financial condition. In fact, no oversight of these agencies by state government is allowed for.

Second, the state is required to maintain a governance structure that is not consistent with Nebraska tradition. The Legislature has previously created a system of interlocal governing boards for mental health, mental retardation and alcoholism services that depends upon oversight by local elected officials. LB 490 prescribes a local governing board in which elected officials have a minority role. This is not acceptable for a public agency dispensing public monies.

Finally, LB 490 seriously impairs the Governor's flexibility to distribute federal community service block grant funds. My veto of LB 64 was based substantially on this point, and my position has not changed.

The future of federal funds for community service agencies is unclear, especially as a separate block grant. The State of Nebraska cannot afford the additional responsibilities included in LB 490 if federal funds are lost. Therefore, I am returning the bill without my signature.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK:lbv

MESSAGE FROM THE SECRETARY OF STATE

May 31, 1983

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol

Dear Mr. O'Donnell:

This letter is to inform you and therefore place in the Journal of the fact that L.B. 490, without the Governor's signature and with his objections, was filed in the office of Secretary of State on May 26, 1983. A copy of the Governor's veto message dated May 26, 1983 is attached to L.B. 490 and is likewise filed in the office of Secretary of State.

The Legislature, having adjourned and the Governor having vetoed the bill, it will be filed in my office as a vetoed measure as it does not carry the signature of the Governor and it came to the Secretary of State's office with a letter of objections.

The letter and L.B. 490 were filed in my office on May 26, 1983

and made a part of the public record.

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

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 490, without the Governor's signature and with his objections, was filed in the office of Secretary of State on May 26, 1983. A copy of the Governor's veto message dated May 26, 1983 is likewise filed in the office of Secretary of State.

I further certify that L.B. 490 will be filed in my office as a vetoed measure as it does not carry the signature of the Governor and came to the Secretary of State's office with a letter of objections.

I further certify the letter and L.B. 490 were filed in my office on May 26, 1983 and made a part of the 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 thirty-first day of May in the year of our Lord, one thousand nine hundred and eighty-three.

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

MESSAGE FROM THE GOVERNOR

May 26, 1983

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

Dear Mr. President and Senators:

I hereby return LB 27 without my signature and with my objections.

When we began the 1983 Legislative Session, we were faced with a fiscal crisis of enormous proportions. During the course of the session,

we reached what was, under the circumstances, a very reasonable solution. New revenue measures and the budget documents were processed and adopted in a very timely manner. Unfortunately, LB 27 was approved by the Legislature on the final day of the session, jeopardizing the tenuous revenue/budget package that had earlier been approved.

A freeze on the corporate income tax rate at this point in time is not in the interest of fair and equitable tax policy. Nebraska corporations are still receiving substantial benefits from the Economic Recovery Tax Act of 1981. These benefits have reduced federal taxable income, which directly reduces the state corporate tax liability.

A review of the proportion of total net general fund receipts represented by the corporate income tax over the past six years clearly illustrates this point. During the period from FY 1977-1978 through FY 1980-81, the corporate tax made up between 8.9% and 9.4% of total net general fund receipts. During FY 81-82, this figure dropped to 7.4%, and is projected to drop even further, to 5.7% for the current fiscal year.

Assuming a 20% individual rate for FY 83-84 and the adjustment in corporate rates that would occur without LB 27, the proportion of corporate taxes to total receipts is projected to be 5.5%, roughly maintaining the status quo. The effect of LB 27 would be a reduction in net general fund receipts of $5.2 million, reducing the corporate share to 4.8%. This is not justifiable in my opinion.

During this past session, we have come a long way toward resolving the fiscal crisis that faced us last January. We left no stone unturned in the budget process. We have asked individual Nebraska taxpayers to remit a temporary 1/2¢ sales tax to enable the state to implement a sound fiscal management tool, the cash reserve. Enactment of LB 27 would amount to abandonment of the fair and equitable fiscal solution we have reached.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK:rav

MESSAGE FROM THE SECRETARY OF STATE

May 31, 1983

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol

Dear Mr. O'Donnell:

This letter is to inform you and therefore place in the Journal of the fact that L.B. 27, without the Governor's signature and with his objections, was filed in the office of Secretary of State on May 26, 1983. A copy of the Governor's veto message dated May 26, 1983 is attached to L.B. 27 and is likewise filed in the office of Secretary of State.

The Legislature, having adjourned and the Governor having vetoed the bill, it will be filed in my office as a vetoed measure as it does not carry the signature of the Governor and it came to the Secretary of State's office with a letter of objections.

The letter and L.B. 27 were filed in my office on May 26, 1983 and made a part of the public record.

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

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 27, without the Governor's signature and with his objections, was filed in the office of Secretary of State on May 26, 1983.

Further, a copy of the Governor's veto message dated May 26, 1983 of L.B. 27 is also filed in the office of Secretary of State.

The Legislature, having adjourned, and the Governor having vetoed the bill, it will be filed in this office as a vetoed measure as it does not carry the signature of the Governor and came to this office with a letter of objections.

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

Done at Lincoln this thirty-first day of May in the year of our Lord, one thousand nine hundred and eighty-three.

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

MESSAGE FROM THE GOVERNOR

May 26, 1983

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

Dear Senators:

I am herewith returning LB 629 with my signature but with certain line-item veto reductions.

This bill would, among other things, increase the appropriation for Community Based Mental Retardation by $200,000 over the amount contained in the main budget bill, LB 628, of $18,279,515.

In preparing my vetoes of LB 628, I avoided reducing the recommendation for this important program. However, I cannot support this "after-the-fact" attempt to further increase the appropriation. I have therefore stricken that $200,000 additional increase.

The $139,936 additional appropriation for the Technical Community Colleges has also been stricken. With my veto of LB 628 I indicated the level of funding which I could support and my position has not changed.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK:lbb

MESSAGE FROM THE SECRETARY OF STATE

May 31, 1983

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol

Dear Mr. O'Donnell:

This letter is to officially inform you that on May 26, 1983 Governor Bob Kerrey delivered to my office L.B. 629 with his signature but with certain line-item veto reductions. The line-item reductions are contained in Section 3, Agency 25, Department of Public Institutions, Program Number 424, Community Mental Retardation. The line-item veto reduces the appropriation from $200,000 to zero.

The next one is Section 7, Agency Number 83, Aid to Technical Community Colleges, Program 51 and reduces the appropriation from

$139,936 to zero.

This bill, L.B. 629, was filed in the office of Secretary of State on May 26 and is now a matter of public record in the office of Secretary of State.

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

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 629 was delivered to my office with the signature of the Governor but with certain line-item veto reductions.

The line-item reductions are contained in Section 3, Agency 25, Department of Public Institutions, Program Number 424, Community Mental Retardation. The line-item veto reduces the appropriation from $200,000 to zero.

The next one is Section 7, Agency Number 83, Aid to Technical Community Colleges, Program 51 and reduces the appropriation from $139,936 to zero.

I further certify that L.B. 629 was filed in the office of Secretary of State on May 26, 1983 and is now a matter of public record in the office of Secretary of State.

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

Done at Lincoln this thirty-first day of May in the year of our Lord, one thousand nine hundred and eighty-three.

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

COMMUNICATION ON LB 630

May 27, 1983

The Honorable Allen Beermann
Secretary of State
Room 2300
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line-item veto by Governor Kerrey on LB 630, I am delivering the bill for filing in the form and amounts as approved by the Governor.

Very truly yours,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/pb
Attachment
c.c. Governor Robert Kerrey

MESSAGE FROM THE SECRETARY OF STATE

May 31, 1983

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol

Dear Mr. O'Donnell:

With this letter I hereby acknowledge receipt of L.B. 630. This bill has been filed in the office of Secretary of State on the 27th day of May, 1983. I also acknowledge that the Legislature did not override the line-item veto and that the bill has been delivered for filing in the form and amounts as approved by the Governor.

The bill, L.B. 630, has been filed and made a part of the public record on May 27, 1983.

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

RESIGNATION

May 27, 1983

Governor Robert Kerrey
State Capitol
Lincoln, NE 68509

Dear Governor Kerrey:

With this letter I am submitting my resignation from the Nebraska

Legislature effective May 27, 1983.

Sincerely,
(Signed) Steve Fowler

SF/js
cc: Allen J. Beermann -
Secretary of State
Patrick J. O'Donnell -
Clerk of the Legislature

MESSAGE FROM THE GOVERNOR

May 27, 1983

The Honorable Allen Beermann
Secretary of State
State of Nebraska
State Capitol Building
Lincoln, NE 68509

Dear Mr. Secretary:

I have this date accepted, with regret, the resignation of Senator Steve Fowler, 27th District, Nebraska State Legislature.

I hereby appoint L. William Harris to fill the unexpired term of State Senator, 27th District, Nebraska State Legislature.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that on May 27, 1983, Senator Steve Fowler submitted his resignation to Governor Robert Kerrey, and on the same date, Governor Robert Kerrey accepted, with regret, the resignation of Senator Steve Fowler as a Member of the State Legislature, Twenty-seventh District (copy attached).

Further, I hereby certify that on May 27, 1983 Governor Robert Kerrey appointed L. William Harris as a member of the Nebraska State

Legislature, Twenty-seventh District, to succeed Senator Steve Fowler for the term as provided by law, copy of said appointment attached.

Further, I hereby certify that on May 27, 1983 L. William Harris subscribed to the official oath of office as a Member of the Unicameral Legislature from the twenty-seventh district, a copy of said oath is hereby attached.

Finally, I hereby certify that all documents relating to the appointment of L. William Harris and the oath of office are a part of the public record in the office of Secretary of State. Further, affiant saith not.

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

Done at Lincoln this thirty-first day of May in the year of our Lord, one thousand nine hundred and eighty-three.

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

GUBERNATORIAL APPOINTMENT

KNOW ALL MEN BY THESE PRESENTS:

That I, Robert Kerrey, Governor of the State of Nebraska, do hereby appoint L. William Harris of Lincoln as a member of the Nebraska State Legislature - 27th District. This appointment shall take effect on May 27, 1983 and continue until As Prescribed by Law provided you shall satisfactorily perform all the duties imposed by law. Said appointee succeeds Steve Fowler.

Done at Lincoln, Nebraska, this 27th day of May, 1983.

(Signed) ROBERT KERREY
Governor, State of Nebraska

OFFICIAL OATH

STATE OF NEBRASKA)
)ss.
COUNTY OF LANCASTER)

"I L. William Harris, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of

member-Unicameral Legislature, District 27 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) L. William Harris

Subscribed in my presence and sworn to before me this 27th day of May, 1983.

(Signed) Allen J. Beermann
Notary Public

(SEAL)
replaces Steve Fowler - resigned
*Constitution of the State of Nebraska,
Article XV, Section One.

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-Eighth Legislature, First Session and other correspondence.

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

June 2, 1983
Lincoln, Nebraska

2560

INDEXES FOR LEGISLATIVE JOURNAL

EIGHTY-EIGHTH LEGISLATURE

FIRST SESSION

1983

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Compiled by

PATRICK J. O'DONNELL

Clerk of the Legislature

03-01-49-83

CHRONOLOGY OF BILLS

EIGHTY-EIGHTH LEGISLATURE
FIRST SESSION
1983

LEGISLATIVE BILL 1 By Executive Board

Jan.	6	Read first time	54
Jan.	7	Placed on General File	98
Jan.	19	Advanced for Review	255
Jan.	24	Placed on Select File	286
Jan.	25	V. Johnson amendment adopted. Advanced for Engrossment	300
Jan.	26	Correctly Engrossed	307
Feb.	7	Final Reading	411
Feb.	7	President signed	418
Feb.	8	Presented to Governor	425
Feb.	11	Approved by Governor (2-9)	470

LEGISLATIVE BILL 2 By Executive Board

Jan.	6	Read first time	54
Jan.	7	Placed on General File	98
Jan.	19	Advanced for Review	255
Jan.	24	Placed on Select File	286
Jan.	25	Advanced for Engrossment	300
Jan.	26	Correctly Engrossed	307
Feb.	7	Final Reading	412
Feb.	7	President signed	418
Feb.	8	Presented to Governor	425
Feb.	11	Approved by Governor (2-9)	470

LEGISLATIVE BILL 3 By Executive Board

Jan.	6	Read first time	54
Jan.	7	Placed on General File	98
Jan.	19	Advanced for Review	255
Jan.	24	Placed on Select File	286
Jan.	25	Advanced for Engrossment	300
Jan.	26	Correctly Engrossed	307
Feb.	7	Final Reading	413
Feb.	7	President signed	418
Feb.	8	Presented to Governor	425
Feb.	11	Approved by Governor (2-9)	471

LEGISLATIVE BILL 4 By Haberman

Jan. 6 Read first time 54
Jan. 7 Referred to Committee on Judiciary 98
Jan. 31 Notice of hearing (2-7)....342
Feb. 11 Indefinitely postponed 476

LEGISLATIVE BILL 5 By Haberman

Jan. 6 Read first time 55
Jan. 7 Referred to Committee on Judiciary 98
Jan. 31 Notice of hearing (2-7)....342
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Mar. 14 Attorney General's Opinion 930

LEGISLATIVE BILL 6 By Haberman

Jan. 6 Read first time 55
Jan. 7 Referred to Committee on Revenue....98
Jan. 11 Rereferred to Committee on Education....126
Jan. 13 Haberman motion to withdraw laid over 160
Jan. 14 Haberman pending motion prevailed. Withdrawn....172

LEGISLATIVE BILL 7 By Haberman

Jan. 6 Read first time 55
Jan. 7 Referred to Committee on Education 98
Jan. 28 Notice of hearing (2-7)....327
Mar. 18 Indefinitely postponed 1024

LEGISLATIVE BILL 8 By Haberman

Jan. 6 Read first time 55
Jan. 7 Referred to Committee on Judiciary 99
Jan. 31 Notice of hearing (2-14)....342
Mar. 23 Indefinitely postponed 1101

LEGISLATIVE BILL 9 By Kahle

Jan. 6 Read first time 55
Jan. 7 Referred to Committee on Education 99
Jan. 17 Notice of hearing (1-24)....194
Mar. 3 Placed on General File 743
Mar. 9 DeCamp amendment printed....868

LEGISLATIVE BILL 10 By Kahle

Jan.	6	Read first time 55
Jan.	7	Referred to Committee on Public Works.....99
Jan.	14	Notice of hearing (1-26).....179
Jan.	31	Placed on General File.....339
Feb.	4	Committee amendment adopted. Advanced for Review 402
Feb.	8	Placed on Select File 438
Feb.	10	E and R amendments adopted. Advanced for Engrossment 460
Feb.	15	Correctly Engrossed.....511
Feb.	22	Final Reading 595
Feb.	22	Speaker signed 604
Feb.	22	Presented to Governor 607
Feb.	25	Approved by Governor (2-24) 662

LEGISLATIVE BILL 11 By Carsten

Jan.	6	Read first time 56
Jan.	7	Referred to Committee on Public Works.....99
Jan.	14	Notice of hearing (1-26).....180
Jan.	31	Placed on General File.....339
Feb.	4	Advanced for Review.....402
Feb.	7	Placed on Select File 421
Feb.	10	Advanced for Engrossment.....460
Feb.	14	Correctly Engrossed.....499
Feb.	22	Final Reading 589
Feb.	22	Speaker signed 604
Feb.	22	Presented to Governor 607
Feb.	25	Approved by Governor (2-24) 662

LEGISLATIVE BILL 12 By DeCamp

Jan.	6	Read first time 56
Jan.	7	Referred to Committee on Revenue 99
Feb.	7	Notice of hearing (2-22).....411
Feb.	25	Indefinitely postponed 663

LEGISLATIVE BILL 13 By Kilgarin, Beutler

Jan.	6	Read first time 56
Jan.	7	Referred to Committee on Judiciary 99
Jan.	31	Notice of hearing (2-8).....342
Feb.	7	Kilgarin-Beutler amendment printed.....421
Feb.	22	Attorney General's Opinion 586

Apr. 25 Placed on General File....1705
May 23 Kilgarin-Beutler amendment to committee amendment printed....2459

LEGISLATIVE BILL 14 By Kilgarin

Jan. 6 Read first time....57
Jan. 7 Referred to Committee on Revenue....99
Feb. 17 Notice of hearing (3-1)....573
Mar. 4 Placed on General File....771

LEGISLATIVE BILL 15 By Kilgarin

Jan. 6 Read first time....57
Jan. 7 Referred to Committee on Public Works....99
Jan. 14 Notice of hearing (1-26)....180
Jan. 27 Attorney General's Opinion....310
Jan. 31 Placed on General File....339
Feb. 4 Committee amendment adopted. Advanced for Review....402
Feb. 8 Placed on Select File....438
Feb. 10 Sieck-V. Johnson amendment printed....464
Feb. 11 Hoagland amendment to Sieck-V. Johnson amendment pending. Passed over....473
Feb. 11 Sieck-V. Johnson pending amendment withdrawn. Advanced for Engrossment....481
Feb. 15 Correctly Engrossed....511
Feb. 22 Final Reading....596
Feb. 22 Speaker signed....604
Feb. 22 Presented to Governor....607
Feb. 28 Kilgarin motion to suspend rules to permit return from Governor prevailed. Kilgarin motion to return from Governor withdrawn....680
Mar. 2 Became law without Governor's signature. Letter....722

LEGISLATIVE BILL 16 By Kilgarin

Jan. 6 Read first time....57
Jan. 7 Referred to Committee on Nebraska Retirement Systems....99
Jan. 18 Notice of hearing (1-25)....227
Feb. 2 Indefinitely postponed....375

LEGISLATIVE BILL 17 By Kilgarin

Jan. 6 Read first time 57
Jan. 7 Referred to Committee on Revenue 99
Feb. 17 Notice of hearing (3-8).....573
Mar. 8 Labedz name added.....831
Mar. 10 Placed on General File 906
Mar. 14 Revenue Committee priority bill 943
Apr. 28 Committee amendment (1) adopted.....1829
Apr. 28 Committee amendment (2) lost.....1830
Apr. 28 Beutler-DeCamp amendment adopted.
Newell amendment ruled reconsideration.
Goodrich amendment withdrawn.
Advanced for Review 1834
May 4 Newell-V. Johnson amendment printed.....1955
May 4 Placed on Select File 1971
May 10 E and R amendments adopted. Newell-
V. Johnson pending amendment withdrawn.
Newell amendment lost. DeCamp-Beutler
amendment as amended by Newell adopted.
Advanced for Engrossment 2159
May 12 Correctly Engrossed. E and R changes 2254
May 16 DeCamp amendment printed. Newell-
Wiitala-DeCamp-Kilgarin-Morehead
amendment printed.....2267
May 17 DeCamp amendments (1) and (2) printed 2304
May 17 DeCamp-Beutler amendment printed 2313
May 17 Fenger-Lundy-Barrett-Clark-Goll-Remmers-
Von Minden-Chambers-R. Peterson-Beyer-
H. Peterson-L. Johnson-Lamb-Jacobson-
Higgins-Labedz-Pirsch
amendment printed.....2322
May 18 Returned to Select File for DeCamp-
Beutler pending amendment p. 2313.....2349
May 18 DeCamp-Beutler pending amendment adopted.
Advanced for Re-Engrossment 2350
May 18 DeCamp pending amendment p. 2267
withdrawn 2352
May 18 DeCamp motion to return to Select File
for pending amendment (1) p. 2304 lost.
DeCamp pending amendment (2) p. 2304 withdrawn.
Labedz motion to return to Select File
pending. Ruling pending 2353
May 18 Chair ruled Labedz et al amendment
not germane. DeCamp
motion to overrule Chair on germaneness of
Labedz et al amendment prevailed.

Returned to Select File for Labedz et al amendment p. 2322 2356
May 18 Labedz et al pending amendment adopted. Advanced for Re-Engrossment 2358
May 18 Newell motion to return to Select File lost 2360
May 19 Correctly Re-Engrossed. E and R change 2404
May 24 Nichol motion to suspend rules prevailed 2489
May 24 Final Reading 2500
May 24 President signed 2502
May 24 Presented to Governor 2503
May 25 Approved by Governor (5-25) 2536

LEGISLATIVE BILL 18 By Kilgarin

Jan. 6 Read first time 57
Jan. 7 Referred to Committee on Business and Labor 99
Jan. 26 Notice of hearing (2-9) 306
Feb. 7 Kilgarin amendment printed 417
Feb. 22 Placed on General File 594
Mar. 10 Kilgarin priority bill 892
Mar. 16 Committee amendment adopted. Kilgarin pending amendment withdrawn. Kilgarin amendment adopted. Failed to advance for Review 975
Mar. 28 Kilgarin-Barrett amendment printed 1203
Apr. 26 Kilgarin-Barrett pending amendment adopted. Advanced for Review 1753
Apr. 28 Placed on Select File 1840
May 3 E and R amendment adopted. Advanced for Engrossment 1918
May 4 Correctly Engrossed 1962
May 16 Final Reading 2289
May 16 Speaker signed 2300
May 17 Presented to Governor 2303
May 23 Approved by Governor (5-20) 2440

LEGISLATIVE BILL 18A By Kilgarin

Mar. 16 Read first time. Placed on General File 978
Apr. 26 Kilgarin amendment adopted. Advanced for Review 1754
Apr. 28 Placed on Select File 1840
May 3 Advanced for Engrossment 1918
May 4 Correctly Engrossed 1962
May 16 Final Reading 2290

May 16 Speaker signed 2300
May 17 Presented to Governor 2303
May 23 Approved by Governor (5-20) 2440

LEGISLATIVE BILL 19 By Kahle, R. Peterson, Remmers, Pappas, Sieck, Chronister, Goll, Carsten, H. Peterson, R. Johnson, Hefner, Lamb, Barrett

Jan. 6 Read first time 58
Jan. 7 Referred to Committee on Agriculture and Environment 99
Jan. 13 Vickers name added 161
Jan. 17 Jacobson name added 198
Jan. 17 Von Minden and L. Johnson names added 220
Jan. 19 Notice of hearing (2-4).....284
Jan. 25 Agriculture and Environment Committee name added 303
Feb. 14 Placed on General File.....490
Feb. 24 Haberman amendment printed 653
Mar. 8 Agriculture and Environment Committee priority bill.....834
Mar. 9 Committee amendment adopted. Haberman pending amendment adopted. Wagner amendment adopted. Advanced for Review 852
Mar. 9 Hoagland amendment printed 868
Mar. 10 DeCamp amendment printed 890
Mar. 14 Placed on Select File 936
Mar. 17 E and R amendments adopted. Hoagland pending amendment adopted. DeCamp pending amendment withdrawn. Advanced for Engrossment 995
Mar. 21 Correctly Engrossed 1051
Mar. 24 Final Reading.....1111
Mar. 24 President signed.....1123
Mar. 24 Presented to Governor 1133
Mar. 28 Approved by Governor (3-28) 1209
Apr. 27 Attorney General's Opinion 1797

LEGISLATIVE BILL 19A By Kahle

Mar. 7 Read first time. Placed on General File.....801
Mar. 9 Advanced for Review 852
Mar. 14 Placed on Select File 936
Mar. 17 Advanced for Engrossment 995
Mar. 21 Correctly Engrossed 1051
Mar. 24 Final Reading.....1112

Mar. 24 President signed 1123
Mar. 24 Presented to Governor 1133
Mar. 28 Approved by Governor (3-28) 1209

LEGISLATIVE BILL 20 By Schmit

Jan. 6 Read first time 58
Jan. 7 Lamb name added 95
Jan. 7 Referred to Committee on Agriculture and Environment 99
Jan. 19 Notice of hearing (1-27) 284
Jan. 25 Agriculture and Environment Committee name added 303
Feb. 2 Placed on General File 372
Feb. 8 Advanced for Review 432
Feb. 11 Placed on Select File 479
Feb. 15 Advanced for Engrossment 513
Feb. 17 Correctly Engrossed 561
Feb. 24 Final Reading 635
Feb. 24 Speaker signed 659
Feb. 25 Correction 662
Feb. 25 Presented to Governor 663
Mar. 2 Approved by Governor (3-2) 717

LEGISLATIVE BILL 21 By Schmit

Jan. 6 Read first time 58
Jan. 7 Referred to Committee on Public Works 99
Jan. 14 Notice of hearing (1-27) 180
Jan. 31 Placed on General File 339
Feb. 4 Committee amendment adopted. Advanced for Review 403
Feb. 7 Hoagland amendments printed 414
Feb. 8 Placed on Select File 438
Feb. 10 Schmit-Wesely amendment printed 465
Feb. 11 E and R amendments adopted. Schmit-Wesely pending amendment adopted. Hoagland motion to pass over withdrawn 473
Feb. 11 Hoagland pending amendments p. 414 withdrawn. Hoagland amendment pending. Passed over 481
Feb. 14 Hoagland pending amendment withdrawn. Cullan-Schmit-Wesely-Hoagland amendment adopted as amended by Cullan. Advanced for Engrossment 501
Feb. 16 Correctly Engrossed. E and R change 552

Feb. 23 Final Reading 618
Feb. 23 Speaker signed 633
Feb. 24 Presented to Governor 634
Feb. 28 Approved by Governor (2-25) 677

LEGISLATIVE BILL 22 By Wesely

Jan. 6 Read first time 58
Jan. 7 Referred to Committee on Urban Affairs 99
Jan. 19 Notice of hearing (1-26).....284
Jan. 28 Placed on General File.....331
Feb. 2 Committee amendment adopted.
Advanced for Review 378
Feb. 4 Placed on Select File 406
Feb. 8 E and R amendments adopted.
Advanced for Engrossment 429
Feb. 10 Correctly Engrossed.....463
Feb. 16 Final Reading 526
Feb. 16 President signed 539
Feb. 16 Presented to Governor 548
Feb. 22 Approved by Governor (2-18) 588

LEGISLATIVE BILL 23 By Sieck

Jan. 6 Read first time 59
Jan. 7 Referred to Committee on Public Works.....99
Jan. 14 Notice of hearing (1-27).....180
Jan. 31 Placed on General File.....339
Feb. 4 Advanced for Review.....402
Feb. 7 Placed on Select File 421
Feb. 10 Advanced for Engrossment.....460
Feb. 14 Correctly Engrossed.....499
Feb. 22 Final Reading 590
Feb. 22 Speaker signed 604
Feb. 22 Presented to Governor 607
Feb. 25 Approved by Governor (2-24) 662

LEGISLATIVE BILL 24 By Warner

Jan. 6 Read first time 59
Jan. 7 Referred to Committee on Constitutional Revision
and Recreation 99
Jan. 17 Notice of hearing (1-28).....217
Feb. 4 Placed on General File.....405
Feb. 23 Committee amendment adopted as amended
by Labedz. Advanced for Review 629

Feb. 24 Placed on Select File 652
Feb. 28 Advanced for Engrossment.....690
Mar. 1 Correctly Engrossed 699
Mar. 10 Final Reading.....875
Mar. 10 Speaker signed 898
Mar. 14 Presented to Governor.
Approved by Governor (3-13) 912

LEGISLATIVE BILL 25 By Warner

Jan. 6 Read first time 59
Jan. 7 Referred to Committee on Revenue.....99
Jan. 24 Notice of hearing (1-31).....287
Feb. 23 Placed on General File.....622

LEGISLATIVE BILL 26 By Warner

Jan. 6 Read first time 59
Jan. 7 Referred to Committee on Revenue.....99
Jan. 18 Notice of hearing (1-26).....234
Jan. 27 Attorney General's Opinion 312
Jan. 31 Placed on General File.....335
Feb. 7 Advanced for Review.....419
Feb. 9 Placed on Select File 446
Feb. 10 Correction.....452
Mar. 9 Beyer amendment printed.....850
Mar. 10 Attorney General's Opinion 903
Mar. 25 Newell amendment printed.....1179
Mar. 30 E & R amendments adopted. Beyer pending amendment withdrawn. Newell pending amendment lost. Warner amendment adopted. Pirsch amendment lost. Advanced for Engrossment 1259
Apr. 7 Correctly Engrossed. E and R change 1383
Apr. 12 Final Reading 1442
Apr. 12 President signed 1449
Apr. 12 Presented to Governor 1451
Apr. 18 Approved by Governor (4-18) 1581

LEGISLATIVE BILL 27 By Warner

Jan. 6 Read first time 60
Jan. 7 Referred to Committee on Revenue.....99
Jan. 24 Notice of hearing (2-2).....287
Feb. 22 Placed on General File.....606
May 17 Hefner name added. Hefner amendment

to Committee amendment adopted. Newell amendment to committee amendment pending 2331
May 19 Newell pending amendment lost. V. Johnson amendment to committee amendment withdrawn. Committee amendment adopted as amended. Warner amendment ruled not germane. Warner motion to suspend rules lost. Fowler amendment ruled not germane. Marsh amendment lost. Advanced for Review 2380
May 20 Placed on Select File 2408
May 23 E & R amendments adopted 2450
May 23 Warner amendment adopted. Newell amendment to Warner amendment ruled not germane 2450
May 23 Newell motion to indefinitely postpone lost. DeCamp motion to suspend rules withdrawn. Chambers amendment to DeCamp motion withdrawn. Advanced for Engrossment 2453
May 23 Correctly Engrossed. E and R changes 2472
May 25 Nichol motion to suspend rules prevailed. Newell and Wesely motions to return to Select File withdrawn. Final Reading 2516
May 25 President signed 2519
May 25 Presented to Governor 2530
June 2 Returned by Governor without approval 2551
June 2 Letter....2552
June 2 Certificate 2553

LEGISLATIVE BILL 28 By Warner

Jan. 6 Read first time 60
Jan. 7 Referred to Committee on Miscellaneous Subjects 99
Feb. 4 Notice of hearing (3-10)....403
Mar. 21 Indefinitely postponed 1039

LEGISLATIVE BILL 29 by Warner

Jan. 6 Read first time 60
Jan. 7 Referred to Committee on Education 99
Jan. 17 Notice of hearing (1-24)....194
Jan. 28 Placed on General File....328

Feb. 3 Advanced for Review....382
Feb. 4 Placed on Select File 407
Feb. 8 Vickers amendment adopted.
Advanced for Engrossment 430
Feb. 10 Correctly Engrossed....463
Feb. 14 Vickers amendment printed 498
Feb. 16 Returned to Select File for
Vickers pending amendment.
Vickers pending amendment adopted.
Advanced for Re-Engrossment 526
Feb. 22 Correctly Re-Engrossed....588
Feb. 28 Final Reading 685
Feb. 28 Speaker signed....697
Mar. 1 Presented to Governor 698
Mar. 7 Approved by Governor (3-5) 789

LEGISLATIVE BILL 30 By Warner

Jan. 6 Read first time 60
Jan. 7 Referred to Committee on Agriculture
and Environment 99
Jan. 19 Notice of hearing (1-27)....284
Feb. 2 Placed on General File....372
Feb. 8 Advanced for Review....432
Feb. 11 Placed on Select File 479
Feb. 15 Advanced for Engrossment....513
Feb. 17 Correctly Engrossed....561
Feb. 24 Final Reading 637
Feb. 24 Speaker signed 659
Feb. 25 Correction....662
Feb. 25 Presented to Governor 663
Mar. 2 Approved by Governor (3-2) 717

LEGISLATIVE BILL 31 By Warner

Jan. 6 Read first time 60
Jan. 7 Referred to Committee on Miscellaneous
Subjects 99
Feb. 4 Notice of hearing (2-24)....403
Feb. 22 Warner amendments printed....608
Mar. 8 Indefinitely postponed 824

LEGISLATIVE BILL 32 By Warner

Jan. 6 Read first time 60
Jan. 7 Referred to Committee on Judiciary 99

Jan.	17	Notice of hearing (1-25).....202
Mar.	14	Judiciary Committee priority bill 944
Mar.	23	Placed on General File 1101
Apr.	27	Committee amendment adopted. Warner amendment adopted. Advanced for Review 1806
May	3	Placed on Select File 1895
May	10	E and R amendment adopted. Advanced for Engrossment 2158
May	12	Correctly Engrossed.....2225
May	18	Final Reading.....2339
May	18	Speaker signed 2350
May	18	Presented to Governor 2356
May	23	Approved by Governor (5-23) 2464

LEGISLATIVE BILL 33 By Wagner

Jan.	6	Read first time 61
Jan.	7	Referred to Committee on Public Works.....99
Jan.	14	Notice of hearing (1-26).....180
Jan.	31	Placed on General File.....339
Feb.	4	Advanced for Review.....402
Feb.	7	Placed on Select File 421
Feb.	10	Advanced for Engrossment.....460
Feb.	14	Correctly Engrossed.....499
Mar.	10	Final Reading.....875
Mar.	10	Speaker signed 898
Mar.	14	Presented to Governor. Approved by Governor (3-13).....912

LEGISLATIVE BILL 33A By Wagner

Feb.	16	Read first time. Placed on General File.....523
Feb.	22	Advanced for Review.....603
Feb.	23	Placed on Select File 614
Feb.	28	Advanced for Engrossment.....690
Mar.	1	Correctly Engrossed 699
Mar.	10	Final Reading.....876
Mar.	10	Speaker signed 898
Mar.	14	Presented to Governor. Approved by Governor (3-13).....912

LEGISLATIVE BILL 34 By Wagner

Jan.	6	Read first time 61
Jan.	7	Referred to Committee on Constitutional Revision and Recreation.....99

Jan. 17 Notice of hearing (1-28).....218
Jan. 31 Placed on General File.....343
Feb. 8 Advanced for Review.....430
Feb. 10 Placed on Select File 466
Feb. 15 Advanced for Engrossment.....513
Feb. 17 Correctly Engrossed.....561
Feb. 24 Final Reading 638
Feb. 24 Speaker signed 659
Feb. 25 Correction.....662
Feb. 25 Presented to Governor 663
Mar. 2 Approved by Governor (3-2) 717

LEGISLATIVE BILL 35 By Wagner, H. Peterson

Jan. 6 Read first time 61
Jan. 7 Referred to Committee on Public Works.....99
Jan. 14 Notice of hearing (1-26).....180
Feb. 23 Placed on General File.....619
Mar. 7 Wagner priority bill 809
Mar. 21 Committee amendment adopted.
Advanced for Review 1037
Mar. 23 Placed on Select File 1104
Mar. 28 E and R amendment adopted.
Wagner amendment adopted.
Advanced for Engrossment 1194
Apr. 5 Correctly Engrossed.....1304
May 12 Final Reading 2235
May 12 President signed 2247
May 12 Presented to Governor 2253
May 17 Approved by Governor (5-17) 2330

LEGISLATIVE BILL 35A By Wagner

Mar. 15 Read first time. Placed on General File.....958
Mar. 21 Advanced for Review 1037
Mar. 23 Placed on Select File 1104
Mar. 28 Advanced for Engrossment 1194
Apr. 5 Correctly Engrossed.....1304
May 12 Final Reading 2235
May 12 President signed 2247
May 12 Presented to Governor 2253
May 17 Approved by Governor (5-17) 2330

LEGISLATIVE BILL 36 By Wagner

Jan. 6 Read first time 61

Jan. 7 Referred to Committee on Public Works.....99
Jan. 14 Notice of hearing (1-27).....180
Jan. 31 Placed on General File.....339
Feb. 4 Advanced for Review.....402
Feb. 8 Placed on Select File 434
Feb. 10 Advanced for Engrossment.....460
Feb. 15 Correctly Engrossed. E and R changes 511
Feb. 22 Passed over 596
Feb. 24 Communication 635
Feb. 24 Final Reading 636
Feb. 24 Speaker signed 659
Feb. 25 Correction.....662
Feb. 25 Presented to Governor 663
Mar. 2 Approved by Governor (3-2) 717

LEGISLATIVE BILL 37 By Wagner

Jan. 6 Read first time 61
Jan. 7 Referred to Committee on Public Works.....99
Jan. 14 Notice of hearing (1-27).....180
Jan. 31 Placed on General File.....340
Feb. 4 Committee amendment adopted.
Advanced for Review 404
Feb. 8 Placed on Select File 438
Feb. 10 E and R amendment adopted.
Advanced for Engrossment 460
Feb. 15 Correctly Engrossed.....511
Feb. 22 Passed over 596
Feb. 24 Communication 635
Feb. 24 Final Reading 637
Feb. 24 Speaker signed 659
Feb. 25 Correction.....662
Feb. 25 Presented to Governor 663
Mar. 2 Approved by Governor (3-2) 717

LEGISLATIVE BILL 38 By Wagner, Wesely, Von Minden, Chronister, Hefner

Jan. 6 Read first time 62
Jan. 7 Referred to Committee on Appropriations.....99
Jan. 31 Notice of hearing (3-1).....349
Mar. 25 Placed on General File 1178

LEGISLATIVE BILL 39 By Lamb

Jan. 6 Read first time 62

Jan. 7 Referred to Committee on Revenue 99
Jan. 11 Rereferred to Committee on Education.....126
Jan. 17 Notice of hearing (1-24).....194
Jan. 18 Haberman name added 236
Jan. 28 Placed on General File.....328
Feb. 2 Advanced for Review.....376
Feb. 4 Placed on Select File 394
Feb. 8 Kilgarin amendment lost.
Advanced for Engrossment 425
Feb. 10 Correctly Engrossed.....463
Feb. 16 Final Reading 527
Feb. 16 President signed 539
Feb. 16 Presented to Governor 548
Feb. 22 Approved by Governor (2-18) 588

LEGISLATIVE BILL 40 By Hoagland

Jan. 6 Read first time 62
Jan. 7 Referred to Committee on Judiciary 99
Jan. 17 Notice of hearing (1-24).....201
Jan. 31 Placed on General File.....341
Feb. 4 Committee amendment lost 404
Feb. 7 Beutler motion to indefinitely
postpone prevailed 419
Feb. 8 Hoagland motion to reconsider laid over 430
Feb. 15 Hoagland pending motion lost.....512

LEGISLATIVE BILL 41 By Hoagland

Jan. 6 Read first time 62
Jan. 7 Referred to Committee on Judiciary 99
Jan. 17 Notice of hearing (1-24).....202
Jan. 31 Indefinitely postponed.....341

LEGISLATIVE BILL 42 By Hoagland

Jan. 6 Read first time 62
Jan. 7 Referred to Committee on Government,
Military, and Veterans Affairs 99
Jan. 14 Notice of hearing (1-27).....172
Mar. 8 Indefinitely postponed. Hoagland motion
to place on General File laid over 836

LEGISLATIVE BILL 43 By Hoagland

Jan. 6 Read first time 62

Jan.	7	Nichol name added....95
Jan.	7	Referred to Committee on Government, Military and Veterans Affairs 99
Jan.	14	Notice of hearing (1-27)....172
Mar.	4	Placed on General File 778
Mar.	10	Hoagland priority bill 892
Mar.	21	Committee amendment adopted. Passed over 1044
Mar.	22	Hoagland-Lundy-Landis-Nichol amendment adopted. Advanced for Review 1060
Mar.	24	Placed on Select File 1138
Mar.	28	E and R amendments adopted. Advanced for Engrossment 1207
Apr.	5	Correctly Engrossed....1304
Apr.	8	Final Reading 1394
Apr.	8	President signed 1399
Apr.	8	Presented to Governor 1414
Apr.	13	Approved by Governor (4-12) 1493

LEGISLATIVE BILL 44 By Hoagland

Jan.	6	Read first time 63
Jan.	7	Placed on General File....99
Jan.	19	Laid over....255
Jan.	31	Laid over....340
Feb.	1	Wesely amendments printed 353
Feb.	15	Landis amendment adopted. Wesely pending amendments adopted. Advanced for Review 518
Feb.	15	Wesely name added 519
Feb.	17	Placed on Select File 581
Feb.	23	E and R amendment adopted. Advanced for Engrossment 621
Feb.	25	Correctly Engrossed....667
Mar.	3	Attorney General's Opinion 741
Mar.	3	Returned to Select File for Hoagland amendment. Hoagland amendment adopted. Advanced for Re-Engrossment 750
Mar.	7	Correctly Re-Engrossed 808
Mar.	7	E and R changes....809
Mar.	10	Final Reading....878
Mar.	10	Speaker signed 898
Mar.	14	Presented to Governor. Approved by Governor (3-13) 912
Mar.	16	Attorney General's Opinion 974

LEGISLATIVE BILL 45 By H. Peterson

Jan. 6 Read first time 63
Jan. 7 Referred to Committee on Education 99
Jan. 24 Notice of hearing (2-2)....287
Feb. 14 Vickers amendment printed 502
Feb. 14 Notice of hearing (2-28) (rehearing)....505
Feb. 15 Attorney General's Opinion 515
Mar. 3 Indefinitely postponed 743
Mar. 8 Attorney General's Opinion 815

LEGISLATIVE BILL 46 By H. Peterson

Jan. 6 Read first time 63
Jan. 7 Referred to Committee on Education 99
Jan. 24 Notice of hearing (2-2)....287
Feb. 3 Attorney General's Opinion 380
Feb. 14 Vickers amendment printed 504
Feb. 14 Notice of hearing (2-28) (rehearing)....505
Feb. 15 Attorney General's Opinion 515
Mar. 3 Indefinitely postponed 743

LEGISLATIVE BILL 47 By H. Peterson, Carsten, Kahle, Hefner, Newell, V. Johnson, Wagner

Jan. 6 Read first time 63
Jan. 7 Referred to Committee on Revenue....99
Jan. 17 Kahle name withdrawn 195
Feb. 7 Notice of hearing (2-22)....411
Feb. 23 H. Peterson name withdrawn....618

LEGISLATIVE BILL 48 By Von Minden

Jan. 6 Read first time 63
Jan. 7 Referred to Committee on Public Health and Welfare....99
Jan. 12 Hefner name added 149
Jan. 28 Notice of hearing (2-7)....327
Jan. 28 Pirsch name added....333
Feb. 14 Indefinitely postponed 499

LEGISLATIVE BILL 49 By Goodrich

Jan. 6 Read first time 64
Jan. 7 Referred to Committee on Public Works....99
Jan. 14 Notice of hearing (1-26)....179

Feb. 8 Placed on General File....427

LEGISLATIVE BILL 50 By Labedz, Haberman, Kilgarin, L. Johnson, Higgins, Remmers, DeCamp, Chronister

Jan. 6 Read first time 64
Jan. 7 Referred to Committee on Public Works....99
Jan. 11 H. Peterson name added 125
Jan. 11 Wagner name added....131
Jan. 14 Notice of hearing (1-26)....179
Jan. 28 Placed on General File....333
Feb. 3 Von Minden amendment adopted 382
Feb. 3 Advanced for Review....393
Feb. 7 Placed on Select File 414
Feb. 9 E and R amendments adopted. Labedz amendment adopted 444
Feb. 10 Sieck and Von Minden amendments lost. Newell amendment adopted. Chambers motion to indefinitely postpone lost. Advanced for Engrossment 453
Feb. 14 Correctly Engrossed. E and R change 499
Feb. 16 Von Minden-Hoagland amendment printed 539
Feb. 22 Returned to Select File for Labedz-DeCamp amendment. Labedz-DeCamp amendment adopted. Advanced for Re-Engrossment. Von Minden-Hoagland and Newell motions to return to Select File lost 599
Feb. 23 Correctly Re-Engrossed....624
Feb. 28 Final Reading 687
Feb. 28 Final Reading 688
Feb. 28 DeCamp motion to reconsider prevailed. Laid over 689
Mar. 1 Labedz amendment printed 706
Mar. 2 Return to Select File for Labedz pending amendment. Labedz pending amendment adopted. Advanced for Re-Engrossment 713
Mar. 4 Correctly Re-Engrossed 786
Mar. 10 Final Reading....877
Mar. 10 Speaker signed 905
Mar. 10 Correctly Enrolled....906
Mar. 14 Presented to Governor. Approved by Governor (3-13) 912

LEGISLATIVE BILL 51 By Cullan

Jan. 6 Read first time 64

Jan. 7 Referred to Committee on Public Health and Welfare....99
Jan. 28 Notice of hearing (2-8)....327

LEGISLATIVE BILL 52 By Marsh

Jan. 6 Read first time....64
Jan. 7 Referred to Committee on Urban Affairs....99
Jan. 19 Notice of hearing (1-26)....285
Jan. 28 Placed on General File....331
Feb. 2 Advanced for Review. Hoagland amendment printed....378
Feb. 4 Placed on Select File....395
Feb. 8 Hoagland pending amendment withdrawn. Beutler amendment adopted. Advanced for Engrossment....429
Feb. 10 Correctly Engrossed. E and R changes....463
Feb. 16 Final Reading....528
Feb. 16 President signed....539
Feb. 16 Presented to Governor....548
Feb. 22 Approved by Governor (2-18)....588

LEGISLATIVE BILL 53 By Schmit

Jan. 6 Read first time....64
Jan. 7 Referred to Committee on Agriculture and Environment....99
Jan. 13 R. Johnson name added....161
Jan. 19 Notice of hearing (2-3)....284
Feb. 14 Placed on General File....490
Feb. 17 Advanced for Review....574
Feb. 22 Placed on Select File....587
Feb. 23 Advanced for Engrossment....621
Feb. 25 Correctly Engrossed....675
Mar. 3 Final Reading....734
Mar. 3 Haberman explanation of vote....741
Mar. 3 Speaker signed....757
Mar. 4 Presented to Governor....767
Mar. 10 Approved by Governor (3-9)....888

LEGISLATIVE BILL 54 By Clark

Jan. 6 Read first time....65
Jan. 7 Referred to Committee on Judiciary....99
Jan. 17 Notice of hearing (1-24)....201
Jan. 28 Indefinitely postponed....334

LEGISLATIVE BILL 55 By Eret

Jan. 6 Read first time 65
Jan. 7 Referred to Committee on Agriculture and Environment 99
Jan. 19 Notice of hearing (1-27).....284

LEGISLATIVE BILL 56 By Nichol, H. Peterson

Jan. 6 Read first time 65
Jan. 7 Referred to Committee on Miscellaneous Subjects 100
Jan. 26 Notice of hearing (2-3).....307
May 24 Placed on General File.....2506

LEGISLATIVE BILL 57 By Remmers

Jan. 6 Read first time 65
Jan. 7 Referred to Committee on Judiciary 100
Jan. 17 Notice of hearing (1-24).....202
Jan. 31 Indefinitely postponed.....341

LEGISLATIVE BILL 58 By DeCamp

Jan. 6 Read first time 65
Jan. 7 Referred to Committee on Banking, Commerce and Insurance.....100
Jan. 14 Notice of hearing (1-24).....179
Jan. 25 Placed on General File.....301
Jan. 27 DeCamp amendment printed 319
Jan. 31 Committee amendment (1) adopted. Committee amendment (2) lost. DeCamp pending amendment p. 319 withdrawn. Lamb amendment lost. Hefner amendment adopted as amended by V. Johnson.....343
Jan. 31 Lamb amendment printed.....352
Feb. 1 Lamb pending amendment p. 352 withdrawn. Lamb amendment lost 354
Feb. 3 Clark amendment ruled not germane. Hefner amendment lost. Advanced for Review 389
Feb. 7 Placed on Select File 414
Feb. 8 Clark amendment printed.....434
Feb. 9 Clark pending amendment lost. Remmers and Hefner amendments lost. Advanced for Engrossment 440

Feb. 11 Correctly Engrossed.....480
Feb. 16 Final Reading.....532
Feb. 16 President signed.....539
Feb. 16 Presented to Governor.....548
Feb. 22 Approved by Governor (2-18).....588

LEGISLATIVE BILL 59 By Warner, Carsten, Landis, Marsh, Fowler

Jan. 6 Read first time.....65
Jan. 7 Referred to Committee on Revenue.....100
Jan. 24 Notice of hearing (2-2).....287
Feb. 4 Placed on General File.....395
Feb. 9 Hefner amendment printed.....450
Feb. 11 Committee amendment adopted. Hefner pending amendment p. 450 lost.....59
Feb. 15 Passed over.....514
Feb. 16 Newell amendment printed.....523
Feb. 23 Newell-Cullan pending amendment p. 523 withdrawn. Advanced for Review.....623
Feb. 23 DeCamp amendment printed.....624
Feb. 24 Placed on Select File.....652
Mar. 14 Attorney General's Opinion.....909
Mar. 14 Newell-V. Johnson-Cullan-DeCamp-Kilgarin amendment printed.....923
Mar. 17 E and R amendment adopted. DeCamp pending amendment p. 624 withdrawn. Newell-Cullan withdrew reoffered pending amendment p. 523. Newell et al pending amendment p. 923 withdrawn. DeCamp motion to indefinitely postpone laid over.....1001
Apr. 26 DeCamp amendment printed.....1752
Apr. 27 DeCamp amendment printed.....1791
Apr. 27 Morehead amendment printed.....1799
May 2 DeCamp amendment printed.....1878
May 2 Hefner amendment printed.....1892
May 3 DeCamp pending motion p. 1001 withdrawn. DeCamp pending amendments p. 1752 and p. 1791 withdrawn. Chambers amendment to Morehead pending amendment p. 1799 adopted. Marsh motion to reconsider lost. Division ruled out of order. DeCamp motion withdrawn. Higgins amendment to Morehead pending amendment p. 1799 lost. Morehead pending amendment p. 1799 as amended lost. DeCamp pending

amendment p. 1878 withdrawn. Hefner pending amendment p. 1892 withdrawn.....1919
May 3 DeCamp-Morehead amendment adopted. Chambers amendment to DeCamp-Morehead amendment lost. Warner amendment adopted. Advanced for Engrossment.....1929
May 3 Beutler objected to expedite.....1935
May 6 DeCamp-Morehead amendment printed.....2080
May 6 DeCamp amendment printed.....2084
May 6 Lamb amendment printed.....2097
May 10 Attorney General's Opinion.....2170
May 11 Returned to Select File for DeCamp-Morehead pending amendment p. 2080. DeCamp-Morehead pending amendment adopted. Advanced for Engrossment. DeCamp pending amendment p. 2084 withdrawn. Lamb motion to return to Select File lost.....2193
May 11 Returned to Select File for Warner amendment. Warner amendment adopted. Advanced for Engrossment.....2196
May 11 Chambers motion to return to Select File lost.....2210
May 16 Correctly Engrossed. E and R changes.....2272
May 19 Chambers motion to return to Select File lost.....2382
May 19 Final Reading.....2383
May 19 President signed.....2390
May 19 Presented to Governor.....2391
May 23 Approved by Governor (5-23).....2464

LEGISLATIVE BILL 60 By Wiitala

Jan. 6 Read first time.....66
Jan. 7 Referred to Committee on Public Health and Welfare.....100
Jan. 17 Notice of hearing (1-24).....201
Jan. 27 Placed on General File.....318
Feb. 2 Committee amendment adopted. Doyle amendment lost. Advanced for Review.....374
Feb. 3 Placed on Select File.....393
Feb. 7 E and R amendment adopted. Advanced for Engrossment.....419
Feb. 9 Correctly Engrossed.....443
Feb. 14 Pirsch motion to return to Select File lost.....492
Feb. 14 Final Reading.....493

Feb. 14 President signed 507
Feb. 15 Presented to Governor 512
Feb. 17 Approved by Governor (2-17) 576

LEGISLATIVE BILL 61 By Wiitala

Jan. 6 Read first time 66
Jan. 7 Referred to Committee on Public Health and Welfare 100
Feb. 24 Notice of hearing (3-8) 654

LEGISLATIVE BILL 62 By Wiitala

Jan. 6 Read first time 66
Jan. 7 Referred to Committee on Education 100
Jan. 17 Notice of hearing (1-31) 201
Feb. 3 Placed on General File 382
Feb. 11 Passed over 483
Feb. 14 Beutler amendments lost 506
Feb. 14 Beutler amendment printed 508
Feb. 14 Beutler amendment printed 509
Feb. 15 Beutler pending amendment p. 509 lost. Beutler pending amendment p. 508 withdrawn. Advanced for Review 514
Feb. 17 Placed on Select File 581
Feb. 23 Wiitala amendment adopted. Advanced for Engrossment 620
Feb. 25 Correctly Engrossed 667
May 12 Final Reading 2228
May 12 President signed 2232
May 12 Presented to Governor 2242
May 19 Returned by Governor without approval 2378

LEGISLATIVE BILL 62A By Wiitala

Feb. 11 Read first time. Placed on General File 472
Feb. 15 Advanced for Review 514
Feb. 17 Placed on Select File 581
Feb. 23 Advanced for Engrossment 621
Feb. 25 Correctly Engrossed 667
May 12 Final Reading 2228
May 12 President signed 2232
May 12 Presented to Governor 2242
May 19 Returned by Governor without approval 2378

LEGISLATIVE BILL 63 By Landis

Jan. 6 Read first time 66
Jan. 7 Referred to Committee on Government, Military and Veterans Affairs 100
Jan. 14 Notice of hearing (1-27).....172
Mar. 2 Placed on General File 718

LEGISLATIVE BILL 64 By Landis

Jan. 6 Read first time 66
Jan. 7 Referred to Committee on Banking, Commerce and Insurance.....100
Jan. 14 Notice of hearing (2-1).....179
Mar. 10 Landis priority bill.....892
Mar. 14 Placed on General File 934
Mar. 24 Committee amendment adopted. Advanced for Review 1134
Mar. 28 Placed on Select File 1200
Mar. 29 Warner amendment printed 1244
Apr. 6 E and R amendment adopted. Warner pending amendment p. 1244 adopted. Landis amendment (1) adopted. Landis amendment (2) lost.....1352
Apr. 6 Advanced for Engrossment.....1366
Apr. 12 Correctly Engrossed. E and R changes 1451
Apr. 20 Final Reading 1620
Apr. 20 President signed 1639
Apr. 20 Presented to Governor 1650
Apr. 26 Returned by Governor without approval 1756
Apr. 26 Landis motion to override laid over.....1764
Apr. 27 Landis pending motion withdrawn 1777
May 2 Landis motion to override laid over.....1882
May 4 Landis pending motion lost.....1943

LEGISLATIVE BILL 65 By Landis, Wesely

Jan. 6 Read first time 66
Jan. 7 Referred to Committee on Government, Military and Veterans Affairs 100
Jan. 14 Notice of hearing (1-27).....172
Feb. 2 Placed on General File.....373
Feb. 9 Committee amendment adopted. Higgins amendments lost. H. Peterson motion to indefinitely postpone laid over 446
Feb. 10 H. Peterson pending motion to indefinitely postpone prevailed 464
Feb. 11 V. Johnson motion to reconsider laid over 488

LEGISLATIVE BILL 66 By Vickers

Jan. 6 Read first time 67
Jan. 7 Referred to Committee on Banking, Commerce and Insurance.....100
Jan. 14 Notice of hearing (1-24).....179
Jan. 27 Placed on General File.....316
Feb. 1 Committee amendment adopted. Advanced for Review 367
Feb. 2 Placed on Select File 375
Feb. 7 E and R amendment adopted. Vickers amendment adopted. Advanced for Engrossment 415
Feb. 9 Correctly Engrossed.....443
Feb. 9 E and R changes 444
Feb. 14 Final Reading 493
Feb. 14 President signed 507
Feb. 15 Presented to Governor 512
Feb. 17 Approved by Governor (2-17) 576

LEGISLATIVE BILL 67 By Vickers

Jan. 6 Read first time 67
Jan. 7 Referred to Committee on Public Works.....100
Jan. 14 Notice of hearing (1-28).....180

LEGISLATIVE BILL 68 By Vickers

Jan. 6 Read first time 67
Jan. 7 Referred to Committee on Government, Military and Veterans Affairs 100
Jan. 14 Notice of hearing (1-28).....172
Mar. 23 Placed on General File 1094

LEGISLATIVE BILL 69 By Goodrich

Jan. 6 Read first time 67
Jan. 7 Referred to Committee on Banking, Commerce and Insurance.....100
Jan. 14 Notice of hearing (1-25).....179
Feb. 2 Placed on General File.....378
Feb. 10 Chambers motion to indefinitely postpone prevailed 467

LEGISLATIVE BILL 70 By Schmit

Jan. 6 Read first time 68

Jan. 7 Referred to Committee on Nebraska Retirement Systems....100
Jan. 24 Notice of hearing (2-8)....292
Feb. 11 Placed on General File....479
Feb. 17 Advanced for Review....559
Feb. 22 Placed on Select File....587
Feb. 23 Advanced for Engrossment....621
Feb. 24 DeCamp name added....656
Feb. 25 Correctly Engrossed....675
Mar. 17 Final Reading....981
Mar. 17 Speaker signed....993
Mar. 17 Presented to Governor....1004
Mar. 24 Approved by Governor (3-23)....1108

LEGISLATIVE BILL 70A By Schmit

Feb. 22 Read first time. Placed on General File....604
Feb. 24 Advanced for Review....655
Feb. 24 DeCamp name added....656
Feb. 25 Placed on Select File....672
Mar. 9 Advanced for Engrossment....848
Mar. 14 Correctly Engrossed....915
Mar. 17 Final Reading....982
Mar. 17 Speaker signed....993
Mar. 17 Presented to Governor....1004
Mar. 24 Approved by Governor (3-23)....1108

LEGISLATIVE BILL 71 By Landis

Jan. 6 Read first time....68
Jan. 7 Referred to Committee on Urban Affairs....100
Jan. 19 Notice of hearing (1-26)....285
Jan. 27 Lundy name added....315
Jan. 28 Placed on General File....332
Feb. 2 Committee amendment adopted. Advanced for Review....378
Feb. 4 Placed on Select File....406
Feb. 8 E and R amendments adopted. Advanced for Engrossment....429
Feb. 10 Correctly Engrossed....463
Feb. 16 Returned to Select File for Landis-Newell amendment. Landis-Newell amendment adopted. Advanced for Re-Engrossment....529
Feb. 22 Correctly Re-Engrossed. E and R change....588

Feb. 28 Final Reading 686
Feb. 28 Speaker signed 697
Mar. 1 Presented to Governor 698
Mar. 7 Approved by Governor (3-5) 789

LEGISLATIVE BILL 72 By Schmit

Jan. 6 Read first time 69
Jan. 7 Referred to Committee on Public Works.....100
Jan. 13 Haberman name added 165
Jan. 14 Notice of hearing (1-28).....180
Feb. 7 Placed on General File.....410
Feb. 17 Committee amendment adopted.
Advanced for Review 578
Feb. 22 Placed on Select File 588
Feb. 23 E and R amendment adopted.
Advanced for Engrossment 622
Feb. 25 Correctly Engrossed.....675
Mar. 3 Final Reading.....735
Mar. 3 Haberman explanation of vote 741
Mar. 3 Speaker signed 757
Mar. 4 Presented to Governor 767
Mar. 10 Approved by Governor (3-9) 888

LEGISLATIVE BILL 73 By Schmit

Jan. 6 Read first time 69
Jan. 7 Referred to Committee on Agriculture
and Environment 100
Jan. 18 R. Johnson name added 238
Jan. 19 Notice of hearing (1-28).....284
Mar. 14 Eret priority bill.....944
Mar. 22 Placed on General File 1058
Mar. 25 Eret amendment printed.....1168
Mar. 29 Committee amendment adopted.
Eret pending amendment p. 1168 adopted.
Kahle amendment withdrawn. DeCamp
amendment lost. Advanced for Review 1240
Mar. 29 Kahle amendment printed.....1241
Mar. 30 DeCamp amendment printed 1247
Apr. 6 Placed on Select File 1335
Apr. 8 E and R amendments adopted.
Kahle pending amendment p. 1241 adopted.
DeCamp pending amendment p. 1247
withdrawn. DeCamp and Remmers
amendments lost 1408

Apr. 8 Advanced for Engrossment.....1414
Apr. 15 Correctly Engrossed. E and R change 1528
Apr. 25 Remmers amendment printed.....1692
Apr. 28 Remmers amendment printed.....1842
May 2 Remmers motion to return to Select File withdrawn. Remmers-Chronister motion to return to Select File lost. Chronister name added to Remmers pending amendment p. 1692.....1871
May 2 Remmers pending amendment p. 1842 withdrawn.....1878
May 16 Remmers and Haberman motions to return to Select File withdrawn. Final Reading 2278
May 16 Speaker signed 2300
May 17 Presented to Governor 2303
May 23 Approved by Governor (5-20) 2440

LEGISLATIVE BILL 73A By Schmit

Apr. 5 Read first time. Placed on General File.....1322
Apr. 8 Advanced for Review.....1391
Apr. 13 Placed on Select File 1487
Apr. 14 Advanced for Engrossment.....1525
Apr. 20 Correctly Engrossed.....1632
May 16 Final Reading 2279
May 16 Speaker signed 2300
May 17 Presented to Governor 2303
May 23 Approved by Governor (5-20) 2440

LEGISLATIVE BILL 74 By Schmit

Jan. 6 Read first time 69
Jan. 7 Referred to Committee on Judiciary 100
Jan. 17 Notice of hearing (1-25).....202
Mar. 24 Indefinitely postponed 1123

LEGISLATIVE BILL 75 By Schmit

Jan. 6 Read first time 69
Jan. 7 Referred to Committee on Constitutional Revision and Recreation.....100
Jan. 17 Notice of hearing (1-27).....217
Feb. 4 Placed on General File.....406
Feb. 17 Committee amendment adopted. Advanced for Review 578

Feb. 22 Placed on Select File 588
Feb. 23 Advanced for Engrossment.....622
Feb. 25 Correctly Engrossed.....675
Mar. 3 Final Reading.....736
Mar. 3 Haberman explanation of vote 741
Mar. 3 Speaker signed 757
Mar. 4 Presented to Governor 767
Mar. 10 Approved by Governor (3-9) 888

LEGISLATIVE BILL 76 By Goodrich, L. Johnson

Jan. 6 Read first time 69
Jan. 7 Referred to Committee on Public Works.....100
Jan. 14 Notice of hearing (1-27).....180
Jan. 19 Goodrich motion to suspend rules
and withdraw prevailed 248

LEGISLATIVE BILL 77 By Pirsch, Hoagland

Jan. 6 Read first time 70
Jan. 7 Referred to Committee on Judiciary 100
Jan. 31 Notice of hearing (2-7).....342
Apr. 18 Attorney General's Opinion 1566

LEGISLATIVE BILL 78 By Pirsch

Jan. 6 Read first time 70
Jan. 7 Referred to Committee on Judiciary 100
Jan. 17 Notice of hearing (1-26).....202
Feb. 11 Placed on General File.....474
Feb. 24 Pirsch amendments (1) and (2) printed 650
Mar. 14 Pirsch priority bill 943
Mar. 15 Committee amendments adopted.
Pirsch pending amendment (1) adopted.
Pirsch pending amendment (2) withdrawn.
Advanced for Review 954
Mar. 21 Placed on Select File 1030
Mar. 23 E and R amendment adopted.
Advanced for Engrossment 1088
Mar. 28 Correctly Engrossed 1182
Apr. 6 Final Reading 1335
Apr. 6 Speaker signed 1340
Apr. 6 Presented to Governor 1342
Apr. 11 Attorney General's Opinion 1417
Apr. 13 Approved by Governor (4-12) 1492

LEGISLATIVE BILL 79 By Pirsch

Jan.	6	Read first time 70
Jan.	7	Referred to Committee on Judiciary 100
Jan.	17	Notice of hearing (1-26).....202
Mar.	9	Placed on General File 860

LEGISLATIVE BILL 80 By Pirsch

Jan.	6	Read first time 70
Jan.	7	Referred to Committee on Judiciary 100
Jan.	17	Notice of hearing (1-25).....202
Mar.	24	Placed on General File 1121

LEGISLATIVE BILL 81 By Pirsch

Jan.	6	Read first time 70
Jan.	7	Referred to Committee on Government, Military and Veterans Affairs 100
Jan.	14	Notice of hearing (1-28).....172
Feb.	2	Placed on General File.....373
Feb.	8	Committee amendments adopted. Advanced for Review 437
Feb.	11	Placed on Select File 480
Feb.	15	E and R amendment adopted. Advanced for Engrossment 514
Feb.	17	Correctly Engrossed.....561
Feb.	24	Final Reading 639
Feb.	24	Speaker signed 659
Feb.	25	Correction.....662
Feb.	25	Presented to Governor 663
Mar.	2	Approved by Governor (3-2) 717

LEGISLATIVE BILL 82 By Pirsch

Jan.	6	Read first time 71
Jan.	7	Referred to Committee on Government, Military and Veterans Affairs 100
Jan.	14	Notice of hearing (1-28).....172
Jan.	31	Placed on General File.....342
Feb.	8	Advanced for Review.....430
Feb.	10	Placed on Select File 466
Feb.	15	Advanced for Engrossment.....513
Feb.	17	Correctly Engrossed.....561
Feb.	24	Final Reading 639
Feb.	24	Speaker signed 659

Feb. 25 Correction....662
Feb. 25 Presented to Governor 663
Mar. 2 Approved by Governor (3-2) 717

LEGISLATIVE BILL 83 By Kilgarin, Nichol

Jan. 6 Read first time 71
Jan. 7 Referred to Committee on Government, Military and Veterans Affairs 100
Jan. 14 Notice of hearing (1-28)....172
Jan. 31 Placed on General File....342
Feb. 8 Advanced for Review....430
Feb. 10 Placed on Select File 466
Feb. 15 E and R amendment adopted. Advanced for Engrossment 513
Feb. 17 Correctly Engrossed....561
Feb. 24 Final Reading 640
Feb. 24 Speaker signed 659
Feb. 25 Correction....662
Feb. 25 Presented to Governor 663
Mar. 2 Approved by Governor (3-2) 717

LEGISLATIVE BILL 84 By Hefner

Jan. 6 Read first time 71
Jan. 7 Referred to Committee on Judiciary 100
Jan. 17 Notice of hearing (1-26)....202
Apr. 7 Indefinitely postponed 1372

LEGISLATIVE BILL 85 By Higgins, Labedz

Jan. 6 Read first time 75
Jan. 7 Referred to Committee on Public Health and Welfare....100
Jan. 18 Notice of hearing (1-25)....238

LEGISLATIVE BILL 86 By Higgins, Labedz

Jan. 6 Read first time 75
Jan. 7 Referred to Committee on Judiciary 100
Jan. 19 Notice of hearing (2-2)....265
Feb. 1 Jacobson name added 353
Feb. 11 Indefinitely postponed 476
Feb. 16 Higgins motion to place on General File laid over 533
Feb. 24 Higgins pending motion lost....649

LEGISLATIVE BILL 87 By Chambers

Jan.	6	Read first time 75
Jan.	7	Referred to Committee on Public Health and Welfare 100
Jan.	17	Notice of hearing (1-24) 201
Feb.	2	Placed on General File 372
Feb.	8	Committee amendments adopted. Advanced for Review 437
Feb.	11	Placed on Select File 480
Feb.	15	E and R amendment adopted. Advanced for Engrossment 513
Feb.	15	Fenger amendment printed 516
Feb.	17	Correctly Engrossed. E and R change 561
Feb.	24	Fenger pending amendment p. 516 withdrawn. Final Reading 641
Feb.	24	Speaker signed 659
Feb.	25	Correction 662
Feb.	25	Presented to Governor 663
Mar.	2	Approved by Governor (3-2) 717

LEGISLATIVE BILL 88 By Chambers

Jan.	6	Read first time 75
Jan.	7	Referred to Committee on Judiciary 100
Jan.	17	Notice of hearing (1-24) 201
Jan.	28	Placed on General File 333
Feb.	4	Committee amendment adopted. Advanced for Review 399
Feb.	7	Placed on Select File 414
Feb.	10	Advanced for Engrossment 460
Feb.	14	Correctly Engrossed 499
Feb.	22	Final Reading 590
Feb.	22	Speaker signed 604
Feb.	22	Presented to Governor 607
Feb.	25	Approved by Governor (2-24) 662

LEGISLATIVE BILL 89 By Kilgarin

Jan.	7	Read first time 89
Jan.	11	Referred to Committee on Revenue 126
Jan.	24	Notice of hearing (2-1) 287
Feb.	4	Indefinitely postponed 396
Mar.	7	Attorney General's Opinion 789

LEGISLATIVE BILL 90 By Pappas

Jan. 7 Read first time 89
Jan. 11 Referred to Committee on Education 126
Jan. 19 Rereferred to Committee on Government Military and Veterans Affairs 278
Jan. 26 Notice of hearing (2-3) 306
Feb. 8 Placed on General File 433
Mar. 4 Committee amendments adopted. Advanced for Review 777
Mar. 9 Placed on Select File 842
Mar. 14 E and R amendments adopted. Advanced for Engrossment 940
Mar. 17 Correctly Engrossed 979
Mar. 23 Landis amendment printed 1084
Apr. 15 Returned to Select File for Landis pending amendment 1531
Apr. 15 Landis pending amendment adopted. Advanced for Re-Engrossment 1532
Apr. 20 Correctly Re-Engrossed 1644
May 16 Final Reading 2281
May 16 Speaker signed 2300
May 17 Presented to Governor 2303
May 23 Approved by Governor (5-20) 2440

LEGISLATIVE BILL 90A By Pappas

Feb. 16 Read first time. Placed on General File 551
Mar. 4 Advanced for Review 778
Mar. 9 Placed on Select File 842
Mar. 14 Advanced for Engrossment 940
Mar. 17 Correctly Engrossed 979
May 16 Final Reading 2282
May 16 Speaker signed 2300
May 17 Presented to Governor 2303
May 23 Approved by Governor (5-20) 2440

LEGISLATIVE BILL 91 By Pappas

Jan. 7 Read first time 89
Jan. 11 Referred to Committee on Education 126
Jan. 24 Notice of hearing (2-1) 287
Feb. 3 Indefinitely postponed 382

LEGISLATIVE BILL 92 By Goll

Jan. 7 Read first time 90

Jan. 11 Referred to Committee on Miscellaneous Subjects 126
Jan. 19 Notice of hearing (1-28).....249
Jan. 25 Goll amendment printed 301
Feb. 4 Indefinitely postponed 404

LEGISLATIVE BILL 93 By Hefner

Jan. 7 Read first time 90
Jan. 11 Referred to Committee on Public Health and Welfare.....126
Feb. 16 Notice of hearing (3-1).....550
Mar. 25 Indefinitely postponed 1158

LEGISLATIVE BILL 94 By Vickers

Jan. 7 Read first time 91
Jan. 11 Referred to Committee on Urban Affairs 126
Feb. 2 Notice of hearing (2-9).....372
Feb. 24 Placed on General File.....647
Mar. 25 Committee amendment adopted. Advanced for Review 1170
Apr. 5 Placed on Select File 1305
Apr. 6 E and R amendment adopted. Advanced for Engrossment 1367
Apr. 12 Correctly Engrossed.....1460
Apr. 20 Returned to Select File for Vickers amendment. Vickers amendment adopted. Advanced for Re-Engrossment 1621
Apr. 26 Correctly Re-Engrossed.....1739
May 3 Final Reading 1905
May 3 Speaker signed 1907
May 3 Presented to Governor 1915
May 10 Approved by Governor (5-9) 2129

LEGISLATIVE BILL 95 By Wiitala

Jan. 7 Read first time 91
Jan. 11 Referred to Committee on Banking, Commerce and Insurance.....126
Jan. 14 Notice of hearing (1-25).....179
Feb. 8 Indefinitely postponed 428

LEGISLATIVE BILL 96 By L. Johnson, Kilgarin, Newell, Hoagland, Labedz, Higgins, Pirsch, Wiitala, Fenger, Remmers, Goodrich, Goll, Beyer, Carsten

Jan. 7 Read first time 91
Jan. 11 Higgins name withdrawn.....125
Jan. 11 Referred to Committee on Public Works.....126
Jan. 14 Notice of hearing (1-27).....180
Jan. 18 Notice of hearing (1-28) (reset) 221
Mar. 7 Remmers priority bill 809
Mar. 8 Placed on General File 819
Mar. 22 Committee amendment adopted as amended by Warner. Chambers amendment to committee amendment lost 1076
Mar. 23 Chambers amendment lost.....1091
Mar. 23 Chambers amendment lost. Chambers amendment pending 1095
Mar. 23 Chambers pending amendment p. 1095 withdrawn. Chambers amendment lost. Chambers motion to indefinitely postpone lost. Advanced for Review.....1097
Mar. 28 Placed on Select File 1194
Mar. 30 Advanced for Engrossment 1259
Apr. 6 Correctly Engrossed.....1335
Apr. 14 Goodrich amendment printed.....1506
Apr. 14 Attorney General's Opinion 1507
Apr. 15 Returned to Select File for Goodrich pending amendment p. 1506. Goodrich pending amendment adopted. Advanced for Re-Engrossment 1532
Apr. 20 Correctly Re-Engrossed. E and R changes 1644
Apr. 28 Chambers motion to return to Select File lost. Final Reading.....1817
Apr. 28 President signed 1830
Apr. 28 Presented to Governor 1836
May 5 Approved by Governor (5-4) 1990

LEGISLATIVE BILL 97 By Sieck

Jan. 7 Read first time 93
Jan. 11 Referred to Committee on Government, Military and Veterans Affairs 126
Jan. 17 Notice of hearing (1-28).....194
Mar. 1 Indefinitely postponed 704

LEGISLATIVE BILL 98 By Kilgarin, Hefner, Chronister

Jan. 7 Read first time 93
Jan. 11 Referred to Committee on Public Works.....126
Jan. 24 Notice of hearing (2-2).....291

Feb. 7 Placed on General File....410
Feb. 17 Committee amendment adopted.
Advanced for Review....579
Feb. 22 Placed on Select File....588
Feb. 23 Advanced for Engrossment....622
Feb. 25 Correctly Engrossed....675
Mar. 3 Final Reading....737
Mar. 3 Haberman explanation of vote....741
Mar. 3 Speaker signed....757
Mar. 4 Presented to Governor....767
Mar. 10 Approved by Governor (3-9)....888

LEGISLATIVE BILL 99 By Newell

Jan. 7 Read first time....94
Jan. 11 Referred to Committee on Education....126
Jan. 17 Notice of hearing (1-25)....194
Jan. 28 Indefinitely postponed....328
Mar. 14 Attorney General's Opinion....909

LEGISLATIVE BILL 100 By Landis

Jan. 7 Read first time....94
Jan. 11 Referred to Committee on Public Works....126
Jan. 14 Notice of hearing (1-28)....180
Feb. 7 Indefinitely postponed....410

LEGISLATIVE BILL 101 By Landis

Jan. 7 Read first time....94
Jan. 11 Referred to Committee on Revenue....126
Jan. 17 Notice of hearing (1-24)....194
Jan. 31 Placed on General File....335
Feb. 4 Committee amendment adopted.
Advanced for Review....400
Feb. 7 Placed on Select File....420
Feb. 10 Advanced for Engrossment....460
Feb. 14 Correctly Engrossed....499
Feb. 22 Final Reading....591
Feb. 22 Speaker signed....604
Feb. 22 Presented to Governor....607
Feb. 25 Approved by Governor (2-24)....662

LEGISLATIVE BILL 102 By Kilgarin

Jan. 7 Read first time....94

Jan. 11 Referred to Committee on Revenue 126
Jan. 24 Notice of hearing (2-1) 287
Feb. 4 Indefinitely postponed 396

LEGISLATIVE BILL 103 By Lamb

Jan. 7 Read first time 94
Jan. 11 Referred to Committee on Education 126
Jan. 17 Notice of hearing (1-24) 194

LEGISLATIVE BILL 104 By Lamb

Jan. 7 Read first time 95
Jan. 11 Referred to Committee on Constitutional Revision and Recreation 126
Jan. 17 Notice of hearing (1-28) 218
Jan. 31 Placed on General File 343
Feb. 8 Advanced for Review 431
Feb. 10 Placed on Select File 466
Feb. 15 E and R amendment adopted. Advanced for Engrossment 513
Feb. 17 Correctly Engrossed 561
Feb. 24 Final Reading 642
Feb. 24 Speaker signed 659
Feb. 25 Correction 662
Feb. 25 Presented to Governor 663
Mar. 2 Approved by Governor (3-2) 717

LEGISLATIVE BILL 105 By Chambers

Jan. 7 Read first time 95
Jan. 11 Referred to Committee on Revenue 126
Jan. 31 Notice of hearing (2-7) 352
Feb. 11 Indefinitely postponed 468

LEGISLATIVE BILL 106 By Newell

Jan. 7 Read first time 95
Jan. 11 Referred to Committee on Education 126
Jan. 17 Notice of hearing (1-25) 194
Jan. 28 Indefinitely postponed 328

LEGISLATIVE BILL 107 By V. Johnson

Jan. 7 Read first time 96
Jan. 11 Referred to Committee on Judiciary 126

Jan.	17	Notice of hearing (1-25).....202
Feb.	4	Placed on General File.....396
Feb.	16	Committee amendment adopted. Advanced for Review.....538
Feb.	22	Placed on Select File.....587
Feb.	23	E and R amendment adopted. Advanced for Engrossment.....621
Feb.	25	Correctly Engrossed.....667
Mar.	3	Final Reading.....737
Mar.	3	Speaker signed.....757
Mar.	4	Presented to Governor.....767
Mar.	10	Approved by Governor (3-9).....888

LEGISLATIVE BILL 108 By V. Johnson

Jan.	7	Read first time.....96
Jan.	11	Referred to Committee on Government, Military and Veterans Affairs.....126
Jan.	17	Notice of hearing (2-3).....194
Mar.	3	Placed on General File.....758
Mar.	25	Committee amendment adopted. Advanced for Review.....1178
Mar.	28	DeCamp amendment printed.....1186
Apr.	5	Placed on Select File.....1306
Apr.	14	E and R amendments adopted. DeCamp pending amendment p. 1186 withdrawn. Advanced for Engrossment.....1525
Apr.	20	Correctly Engrossed.....1632
Apr.	28	Final Reading.....1818
Apr.	28	Higgins explanation of vote.....1828
Apr.	28	President signed.....1830
Apr.	28	Presented to Governor.....1836
May	5	Approved by Governor (5-4).....1990

LEGISLATIVE BILL 109 By V. Johnson

Jan.	7	Read first time.....96
Jan.	11	Referred to Committee on Business and Labor.....126
Jan.	18	Notice of hearing (1-26).....228
Mar.	2	Indefinitely postponed.....713

LEGISLATIVE BILL 110 By V. Johnson

Jan.	7	Read first time.....96
Jan.	11	Referred to Committee on Judiciary.....126
Jan.	17	Notice of hearing (1-25).....202

Feb. 4 Placed on General File....396
Feb. 16 Committee amendments adopted....538
Feb. 16 Beutler amendment adopted.
Advanced for Review....545
Feb. 22 Placed on Select File....587
Feb. 23 Advanced for Engrossment....621
Feb. 25 Correctly Engrossed.
E and R change....667
Mar. 3 Final Reading....738
Mar. 3 Speaker signed....757
Mar. 4 Presented to Governor....767
Mar. 10 Approved by Governor (3-9)....888

LEGISLATIVE BILL 111 By V. Johnson

Jan. 7 Read first time....96
Jan. 11 Referred to Committee on Banking,
Commerce and Insurance....126
Jan. 14 Notice of hearing (1-25)....179
Jan. 27 Placed on General File....318
Feb. 2 Committee amendment adopted.
DeCamp amendment adopted.
Advanced for Review....374
Feb. 3 Placed on Select File....393
Feb. 7 Passed over....419
Feb. 11 E and R amendment adopted.
V. Johnson amendment adopted.
Advanced for Engrossment....481
Feb. 15 Correctly Engrossed. E and R changes....511
Feb. 22 Final Reading....597
Feb. 22 Speaker signed....604
Feb. 22 Presented to Governor....607
Feb. 28 Approved by Governor (2-26)....678

LEGISLATIVE BILL 112 By V. Johnson

Jan. 7 Read first time....97
Jan. 11 Referred to Committee on Public
Health and Welfare....126
Feb. 24 Notice of hearing (3-7)....654
Mar. 4 V. Johnson amendment printed....763

LEGISLATIVE BILL 113 By V. Johnson

Jan. 7 Read first time....97
Jan. 11 Referred to Committee on Public

Health and Welfare....126
Feb. 2 Notice of hearing (2-14)....371

LEGISLATIVE BILL 114 By DeCamp

Jan. 11 Read first time....115
Jan. 13 Referred to Committee on Banking, Commerce and Insurance....152
Jan. 14 Notice of hearing (2-1)....179
Feb. 2 Placed on General File....378
Feb. 11 Advanced for Review....482
Feb. 15 Placed on Select File....510
Feb. 22 Advanced for Engrossment....613
Feb. 24 Correctly Engrossed....652
Mar. 2 Final Reading....708
Mar. 2 Haberman explanation of vote....715
Mar. 2 President signed....716
Mar. 3 Presented to Governor....729
Mar. 8 Approved by Governor (3-7)....819

LEGISLATIVE BILL 115 By Marsh

Jan. 11 Read first time....115
Jan. 13 Referred to Committee on Banking, Commerce and Insurance....152
Jan. 14 Notice of hearing (1-31)....179

LEGISLATIVE BILL 116 By Barrett

Jan. 11 Read first time....115
Jan. 13 Referred to Committee on Miscellaneous Subjects....152
Jan. 19 Notice of hearing (1-27)....249
Jan. 28 Placed on General File....330
Feb. 2 Advanced for Review....377
Feb. 4 Placed on Select File....395
Feb. 8 Advanced for Engrossment....429
Feb. 10 Correctly Engrossed....463
Feb. 16 Final Reading....529
Feb. 16 President signed....539
Feb. 16 Presented to Governor....548
Feb. 22 Approved by Governor (2-18)....588

LEGISLATIVE BILL 117 By Vickers, Sieck, Carsten

Jan. 11 Read first time....115

Jan. 14 Referred to Committee on Banking, Commerce and Insurance....169
Jan. 14 Notice of hearing (1-31)....179
Feb. 24 Notice of hearing (3-3) (rehearing)....649
Feb. 24 Beyer amendment printed....654
Feb. 24 Remmers amendment printed....656
Mar. 3 Attorney General's Opinion....731
Mar. 4 DeCamp amendment printed....786
Mar. 14 Sieck priority bill....943
Mar. 30 Remmers amendment printed....1253
Apr. 8 Sieck motion to place on General File laid over....1392
Apr. 11 Placed on General File....1435
Apr. 12 Remmers amendment printed....1474

LEGISLATIVE BILL 118 By Warner

Jan. 11 Read first time....115
Jan. 13 Referred to Committee on Public Works....152
Feb. 10 Notice of hearing (3-9)....453
Mar. 7 Warner amendment printed....795
Mar. 15 Labedz priority bill....946
Mar. 16 Placed on General File....971
Mar. 21 Marsh-Carsten amendment printed....1036
Mar. 22 Remmers amendment printed....1065
Mar. 23 Vickers amendment printed....1089
Mar. 25 Sieck amendment (1) printed....1152
Mar. 25 Sieck amendment (2) printed....1153
Apr. 19 Committee amendments adopted. Warner pending amendment p. 795 withdrawn. Warner amendment adopted as amended by Warner. Chair ruled Carsten-Marsh amendment not germane. Carsten motion to overrule Chair on germaneness of Carsten-Marsh amendment prevailed. Nichol and Vickers amendments to pending Marsh-Carsten amendment lost. Beyer amendment to Marsh-Carsten pending amendment adopted. Marsh and Carsten withdrew names from pending amendment. Chambers and Beyer added names to pending amendment. Chambers-Beyer amendment adopted. Remmers pending amendment p. 1065 withdrawn. Vickers pending amendment p. 1089 withdrawn. Vickers-Hoagland-

Wesely amendment lost. Sieck pending amendment (1) p. 1152 adopted. Sieck pending amendment (2) p. 1153 ruled not germane. Chambers and DeCamp amendments adopted. Advanced for Review 1591

Apr. 25 Carsten-Marsh amendment printed 1722

Apr. 26 Placed on Select File 1730

Apr. 27 Beyer-Fenger-Withem amendment printed 1767

May 2 Haberman amendment printed 1893

May 3 E and R amendments adopted. Haberman amendment lost. Carsten-Marsh pending amendment p. 1722 lost. Beyer et al pending amendment p. 1767 lost. Haberman pending amendment p. 1893 lost. R. Johnson-Cullan-Vickers-Kahle-Lundy amendment adopted as amended by Hannibal. 1907

May 3 Beutler amendment lost 1912

May 3 Lamb motion to indefinitely postpone pending 1914

May 3 Lamb pending motion withdrawn. DeCamp amendment withdrawn. Newell amendment lost. Advanced for Engrossment 1915

May 3 DeCamp amendment printed 1923

May 4 R. Johnson amendment printed 1966

May 6 Schmit amendment printed 2085

May 6 Lamb amendment printed 2096

May 9 DeCamp pending amendment p. 1923 withdrawn. Returned to Select File for DeCamp amendment 2102

May 9 DeCamp pending amendment adopted. Advanced for Engrossment 2103

May 9 R. Johnson pending amendment p. 1966 withdrawn. Schmit pending amendment p. 2085 withdrawn. Lamb pending amendment p. 2096 withdrawn 2104

May 9 Returned to Select File for Haberman amendment 2105

May 9 Haberman pending amendment lost. Advanced for Engrossment 2106

May 11 Correctly Engrossed 2211

May 16 R. Johnson-Wiitala-Chronister-Hefner-Sieck-Kahle-Von Minden-Goll-Rupp-

Wagner-Eret-Pappas-Haberman-Hannibal-Newell-Fenger-Nichol-Kilgarin-Labedz-Morehead-Higgins-Pirsch amendment printed . .2300
May 20 Returned to Select File for Morehead et al pending amendment 2431
May 20 Morehead et al pending amendment p. 2300 lost. Advanced back to Final Reading 2432
May 23 DeCamp motion to return to Select File withdrawn. Morehead-R.Johnson-Rupp motion to return to Select File lost 2460
May 24 Nichol motion to suspend rules prevailed. Final Reading 2489
May 24 President signed 2493
May 24 Presented to Governor 2498
May 25 Approved by Governor (5-25) 2536

LEGISLATIVE BILL 118A By Warner

May 5 Read first time. Placed on General File 1986
May 10 Advanced for Review 2143
May 11 Placed on Select File 2185
May 19 Advanced for Engrossment 2399
May 20 Correctly Engrossed 2426
May 24 Nichol motion to suspend rules prevailed 2489
May 24 Final Reading 2490
May 24 President signed 2493
May 24 Presented to Governor 2498
May 25 Approved by Governor (5-25) 2536

LEGISLATIVE BILL 119 By Warner

Jan. 11 Read first time 115
Jan. 13 Referred to Committee on Public Works 152
Jan. 24 Notice of hearing (2-2) 291
Feb. 22 Placed on General File 601
Mar. 10 Committee amendment adopted. Advanced for Review 907
Mar. 16 Placed on Select File 968
Mar. 17 Advanced for Engrossment 1003
Mar. 23 Correctly Engrossed 1083
Mar. 29 Final Reading 1213
Mar. 29 President signed 1225
Mar. 29 Presented to Governor 1230
Apr. 5 Approved by Governor (4-4) 1307

LEGISLATIVE BILL 120 By Warner

Jan.	11	Read first time 116
Jan.	13	Referred to Committee on Public Works 152
Jan.	24	Notice of hearing (2-2) 291
Mar.	10	Warner priority bill 907
Mar.	18	Placed on General File 1017
Mar.	28	Warner amendment printed 1209
Mar.	29	Committee amendment adopted as amended by Warner. Warner pending amendment p. 1209 adopted. Advanced for Review 1237
Apr.	6	Placed on Select File 1333
Apr.	8	E and R amendments adopted. Advanced for Engrossment 1408
Apr.	11	DeCamp amendment printed 1427
Apr.	14	Correctly Engrossed 1521
Apr.	20	Passed over 1627
Apr.	25	Attorney General's Opinion 1695
Apr.	27	DeCamp amendment printed 1808
May	9	Attorney General's Opinion 2108
May	18	Attorney General's Opinion 2354
May	20	DeCamp pending amendments p. 1427 and p. 1808 withdrawn. Returned to Select File for Warner amendment. Warner amendment adopted. Advanced for Re-Engrossment 2434
May	23	Correctly Re-Engrossed. E and R changes 2448
May	25	Nichol motion to suspend rules prevailed 2516
May	25	Final Reading 2517
May	25	President signed 2519
May	25	Presented to Governor 2530
June	2	Approved by Governor (5-26) 2546

LEGISLATIVE BILL 121 By Marsh

Jan.	11	Read first time 116
Jan.	13	Referred to Committee on Judiciary 152
Jan.	31	Notice of hearing (2-8) 342
Mar.	9	Placed on General File 860
Mar.	14	Judiciary Committee priority bill 944
Mar.	31	Advanced for Review 1301
Apr.	8	Placed on Select File 1401
Apr.	12	Wesely amendment adopted. Advanced for Engrossment 1453
Apr.	15	Correctly Engrossed. E and R changes 1542
May	16	Final Reading 2280

May 16 Speaker signed 2300
May 17 Presented to Governor 2303
May 23 Approved by Governor (5-20) 2440

LEGISLATIVE BILL 121A By Marsh

Mar. 15 Read first time. Placed on General File.....958
Mar. 31 Advanced for Review 1301
Apr. 8 Placed on Select File 1401
Apr. 12 Advanced for Engrossment.....1453
Apr. 15 Correctly Engrossed.....1542
May 16 Final Reading 2281
May 16 Speaker signed 2300
May 17 Presented to Governor 2303
May 23 Approved by Governor (5-20) 2440

LEGISLATIVE BILL 122 By DeCamp, Kilgarin, Wiitala, Fowler, Wesely

Jan. 11 Read first time 116
Jan. 11 Chambers name added.....125
Jan. 13 Referred to Committee on Public Works.....152
Jan. 14 Notice of hearing (1-28).....180
Jan. 18 Notice of hearing (cancelled).....221
Jan. 26 Notice of hearing (2-9) (reset) 305
Mar. 9 Placed on General File 843
Mar. 14 Banking, Commerce and Insurance Committee priority bill.....944
Apr. 5 Abboud amendment printed.....1326
Apr. 8 DeCamp amendment printed 1394
Apr. 8 Fenger amendment printed 1403

LEGISLATIVE BILL 122A By DeCamp

Mar. 30 Read first time. Placed on General File.....1279

LEGISLATIVE BILL 123 By Chambers

Jan. 11 Read first time 116
Jan. 13 Referred to Committee on Judiciary 152
Jan. 17 Notice of hearing (1-26).....202

LEGISLATIVE BILL 124 By DeCamp, Wesely, Fowler

Jan. 11 Read first time 116
Jan. 13 Referred to Committee on Banking,

Commerce and Insurance....152
Jan. 14 Notice of hearing (2-1)....179
Mar. 14 Placed on General File 935
Apr. 15 Special Order 1539
Apr. 25 Committee amendment adopted as amended by Vickers. Advanced for Review....1714
Apr. 28 Placed on Select File 1810
May 12 Wesely amendment printed....2222
May 19 E and R amendment adopted. Wesely pending amendment adopted. Kilgarin amendment adopted. Advanced for Engrossment....2403
May 23 Correctly Engrossed. E and R changes 2448
May 25 Nichol motion to suspend rules prevailed 2516
May 25 Final Reading....2518
May 25 President signed....2519
May 25 Presented to Governor 2530
June 2 Approved by Governor (5-26) 2546

LEGISLATIVE BILL 125 By Von Minden

Jan. 11 Read first time 117
Jan. 13 Referred to Committee on Urban Affairs....152
Jan. 26 Notice of hearing (2-2)....309
Feb. 23 Placed on General File....615
Mar. 7 Von Minden priority bill 810
Mar. 9 Committee amendment adopted. Wagner amendment adopted. Advanced for Review 852
Mar. 14 Placed on Select File 936
Mar. 17 E and R amendment adopted. Beutler and Von Minden amendments adopted. Advanced for Engrossment....995
Mar. 21 Correctly Engrossed. E and R changes 1051
Mar. 24 Returned to Select File for Beutler amendment. Beutler amendment adopted. Advanced for Re-Engrossment....1118
Mar. 29 Correctly Re-Engrossed. E and R changes 1225
Apr. 6 Final Reading....1337
Apr. 6 Speaker signed 1340
Apr. 6 Presented to Governor 1342
Apr. 13 Approved by Governor (4-12) 1492

LEGISLATIVE BILL 126 By Cullan, Labedz

Jan. 11 Read first time 117
Jan. 13 Referred to Committee on Education 152
Jan. 17 Notice of hearing (1-25)....194

Jan. 28 Placed on General File....328
Feb. 15 Committee amendments adopted. V. Johnson amendment withdrawn. Advanced for Review ...518
Feb. 17 Placed on Select File 581
Feb. 23 Passed over....621
Feb. 25 Higgins amendment printed 666
Mar. 1 Higgins pending amendment withdrawn. Beutler and V. Johnson amendments adopted. Nichol amendment to V. Johnson amendment lost....704
Mar. 2 Vickers amendment adopted. Warner amendment lost. Warner motion to indefinitely postpone lost....715
Mar. 2 Advanced for Engrossment 716
Mar. 7 Correctly Engrossed 808
Mar. 7 E and R changes....809
Apr. 20 Attorney General's Opinion 1633
May 10 Cullan amendment printed 2152
May 11 Cullan pending amendment withdrawn....2182
May 11 Returned to Select File for Nichol amendment 2183
May 11 Nichol pending amendment adopted. Advanced for Re-Engrossment 2184
May 11 Returned to Select File for Vickers amendment 2187
May 11 Vickers pending amendment lost. Advanced for Re-Engrossment. Warner motion to return to Select File lost. Returned to Select File for Cullan reoffered amendment p. 2152 2188
May 11 Cullan pending amendment adopted. Advanced for Re-Engrossment 2190
May 16 Correctly Re-Engrossed....2272
May 16 E and R changes....2273
May 18 Nichol amendment printed 2364
May 19 Nichol motion to return to Select File withdrawn. Nichol pending amendment withdrawn. Final Reading 2384
May 19 President signed....2390
May 19 Presented to Governor 2391
May 19 Attorney General's Opinion 2400
May 25 Returned by Governor without approval 2537

LEGISLATIVE BILL 126A By Warner

Mar. 2 Read first time. Placed on General File....720

Mar.	7	Warner amendment printed	812
Mar.	8	Warner pending amendment adopted	836
Mar.	9	Advanced for Review	853
Mar.	14	Placed on Select File	936
Mar.	17	E and R amendment adopted. Advanced for Engrossment	1001
Mar.	22	Correctly Engrossed	1053
May	19	Final Reading	2385
May	19	President signed	2390
May	19	Presented to Governor	2391
May	25	Returned by Governor without approval	2537

LEGISLATIVE BILL 127 By Cullan

Jan.	11	Read first time	117
Jan.	13	Referred to Committee on Agriculture and Environment	152
Jan.	13	Haberman name added	165
Jan.	17	Haberman name withdrawn	220
Jan.	19	Notice of hearing (2-3)	284
Feb.	14	Indefinitely postponed	491

LEGISLATIVE BILL 128 By Cullan

Jan.	11	Read first time	117
Jan.	13	Referred to Committee on Public Works	152
Jan.	14	Notice of hearing (1-28)	180
Jan.	31	Indefinitely postponed	340

LEGISLATIVE BILL 129 By V. Johnson, Chambers

Jan.	11	Read first time	117
Jan.	13	Referred to Committee on Government, Military and Veterans Affairs	153
Jan.	17	Notice of hearing (2-3)	194
Feb.	7	Placed on General File	416
Feb.	25	Committee amendment adopted. Newell amendment withdrawn	675
Mar.	3	Pending	756
Mar.	3	Hannibal amendment adopted	757
Mar.	3	Chambers name withdrawn	760
Mar.	8	Hannibal amendment printed	839
Mar.	9	Advanced for Review	853
Mar.	14	Placed on Select File	936
Mar.	17	Labedz amendment printed	1003
Mar.	31	Hannibal amendment printed	1295

May 6 V. Johnson amendment printed 2080

LEGISLATIVE BILL 130 By V. Johnson

Jan. 11 Read first time 118
Jan. 13 Referred to Committee on Education 153
Jan. 28 Notice of hearing (2-14).....328
Mar. 21 Placed on General File 1035

LEGISLATIVE BILL 130A By V. Johnson

May 16 Read first time. Placed on General File.....2300

LEGISLATIVE BILL 131 By Sieck

Jan. 11 Read first time 118
Jan. 13 Referred to Committee on Urban Affairs 153
Jan. 19 Notice of hearing (1-26).....285
Jan. 28 Indefinitely postponed.....333

LEGISLATIVE BILL 132 By Warner

Jan. 11 Read first time 118
Jan. 13 Referred to Committee on Appropriations.....153
Jan. 31 Notice of hearing (2-28).....349
Mar. 4 Placed on General File 784

LEGISLATIVE BILL 133 By Newell

Jan. 11 Read first time 118
Jan. 13 Referred to Committee on
Miscellaneous Subjects.....153
Jan. 26 Notice of hearing (2-3).....307
Feb. 28 Placed on General File.....680
Mar. 4 Advanced for Review 777
Mar. 9 Placed on Select File 841
Mar. 14 E and R amendments adopted.
Passed over 939
Mar. 29 Newell amendment printed.....1243
Mar. 30 Newell pending amendment adopted.
Hefner amendment adopted. Advanced
for Engrossment 1263
Apr. 7 Correctly Engrossed.....1383
Apr. 7 E and R change.....1384
Apr. 12 Final Reading 1443

Apr. 12 President signed 1449
Apr. 12 Presented to Governor 1451
Apr. 18 Approved by Governor (4-18) 1581

LEGISLATIVE BILL 134 By Pappas

Jan. 11 Read first time 118
Jan. 13 Referred to Committee on Banking, Commerce and Insurance.....153
Jan. 14 Notice of hearing (1-24).....179
Jan. 27 Placed on General File.....317
Feb. 1 Committee amendment adopted. Advanced for Review 368
Feb. 2 Placed on Select File 375
Feb. 7 Beutler amendment lost. Failed to advance for Engrossment.....415
Mar. 9 Advanced for Engrossment 850
Mar. 14 Correctly Engrossed 915
Mar. 17 Returned to Select File for Pappas amendment. Pappas amendment adopted. Advanced for Re-Engrossment 983
Mar. 21 Correctly Re-Engrossed 1051
Mar. 24 Final Reading.....1113
Mar. 24 President signed.....1123
Mar. 24 Presented to Governor 1133
Mar. 30 Returned by Governor without approval 1274
Apr. 7 Pappas motion to override Governor's veto laid over.....1385
Apr. 8 Pappas pending motion lost 1391

LEGISLATIVE BILL 135 By Landis, Hannibal

Jan. 11 Read first time 119
Jan. 13 Referred to Committee on Urban Affairs 153
Jan. 26 Notice of hearing (2-2).....309
Feb. 4 Placed on General File.....395
Feb. 11 Advanced for Review.....483
Feb. 15 Placed on Select File 511
Feb. 22 Doyle amendment printed.....613
Feb. 23 Doyle pending amendment withdrawn. Advanced for Engrossment 620
Feb. 25 Correctly Engrossed.....667
Mar. 3 Final Reading.....739
Mar. 3 Speaker signed 757
Mar. 4 Presented to Governor 767

Mar. 10 Approved by Governor (3-9) 888

LEGISLATIVE BILL 136 By Kilgarin, DeCamp

Jan. 11 Read first time 119
Jan. 13 Referred to Committee on Banking, Commerce and Insurance.....153
Jan. 14 Notice of hearing (1-25).....179
Feb. 8 Indefinitely postponed 429

LEGISLATIVE BILL 137 By Haberman

Jan. 11 Read first time 119
Jan. 13 Referred to Committee on Judiciary 153
Jan. 31 Notice of hearing (2-9).....342
Feb. 14 Placed on General File.....508
Mar. 2 Abboud amendment printed 726
Mar. 10 Abboud pending amendment withdrawn. Committee amendments adopted. Advanced for Review 891
Mar. 14 V. Johnson amendment printed 932
Mar. 15 Placed on Select File 957
Mar. 17 E and R amendment adopted. V. Johnson pending amendment p. 932 adopted. Abboud reoffered amendment p. 726 adopted. Advanced for Engrossment 1002
Mar. 23 Correctly Engrossed. E and R change.....1083
Mar. 29 Final Reading.....1214
Mar. 29 President signed.....1225
Mar. 29 Presented to Governor 1230
Apr. 5 Approved by Governor (4-4) 1307

LEGISLATIVE BILL 138 By Judiciary Committee

Jan. 11 Read first time 119
Jan. 13 Referred to Committee on Judiciary 153
Jan. 17 Notice of hearing (1-25).....202
Jan. 28 Placed on General File.....333
Feb. 4 Advanced for Review.....399
Feb. 7 Placed on Select File 414
Feb. 10 Advanced for Engrossment.....460
Feb. 14 Correctly Engrossed.....499
Feb. 22 Final Reading.....593
Feb. 22 Speaker signed 604
Feb. 22 Presented to Governor 607
Feb. 25 Approved by Governor (2-24) 662

LEGISLATIVE BILL 139 By Law Enforcement and Justice Advisory Committee

Jan. 11 Read first time 119
Jan. 13 Referred to Committee on Judiciary 153
Jan. 17 Notice of hearing (1-24) 201
Jan. 28 Placed on General File 333
Feb. 4 Advanced for Review 399
Feb. 7 Placed on Select File 414
Feb. 10 Advanced for Engrossment 460
Feb. 14 Correctly Engrossed 499
Feb. 22 Final Reading 593
Feb. 22 Speaker signed 604
Feb. 22 Presented to Governor 607
Feb. 25 Approved by Governor (2-24) 662

LEGISLATIVE BILL 140 By V. Johnson

Jan. 11 Read first time 120
Jan. 13 Referred to Committee on Public Health and Welfare 153
Feb. 10 Notice of hearing (2-22) 452
Mar. 22 Placed on General File 1058

LEGISLATIVE BILL 140A By V. Johnson

Apr. 6 Read first time. Placed on General File 1366

LEGISLATIVE BILL 141 By Beutler, Vickers

Jan. 11 Read first time 120
Jan. 13 Referred to Committee on Education 153
Jan. 17 Notice of hearing (1-31) 201

LEGISLATIVE BILL 142 By Chronister

Jan. 11 Read first time 120
Jan. 13 Referred to Committee on Public Health and Welfare 153
Jan. 14 Sieck name added 185
Jan. 28 Notice of hearing (2-8) 327
Mar. 4 Chronister priority bill 787
Mar. 7 Placed on General File 803
Mar. 21 Cullan-Hoagland-Wesely-Schmit amendment printed 1050
Mar. 23 Committee amendment lost.

Beutler amendment to Cullan et al pending amendment withdrawn. Cullan et al pending amendment lost 1099
Mar. 23 Cullan amendments lost. Passed over 1102
Mar. 23 DeCamp amendment printed 1105
Mar. 31 V. Johnson-Schmit amendment printed 1299
Mar. 31 DeCamp amendment printed 1300
Apr. 5 DeCamp pending amendments p. 1105 and p. 1300 withdrawn. DeCamp amendment adopted. V. Johnson-Schmit pending amendment p. 1299 lost 1323
Apr. 5 Cullan motion to indefinitely postpone lost. Cullan amendment lost. Advanced for Review 1326
Apr. 8 Placed on Select File 1401
Apr. 12 E and R amendments adopted. Advanced for Engrossment 1453
Apr. 12 V. Johnson amendment printed 1454
Apr. 15 Correctly Engrossed. E and R change 1542
Apr. 19 DeCamp amendment printed 1614
Apr. 21 Returned to Select File for DeCamp pending amendment p. 1614. DeCamp pending amendment adopted 1668
Apr. 21 V. Johnson pending amendment p. 1454 withdrawn. Advanced for Re-Engrossment 1677
Apr. 26 Correctly Re-Engrossed 1762
May 3 Final Reading 1906
May 3 Speaker signed 1907
May 3 Presented to Governor 1915
May 10 Approved by Governor (5-9) 2129

LEGISLATIVE BILL 143 By Goodrich, L. Johnson

Jan. 11 Read first time 120
Jan. 13 Referred to Committee on Banking, Commerce and Insurance 153
Jan. 14 Notice of hearing (1-24) 179
Jan. 27 Placed on General File 317
Feb. 1 Committee amendment adopted. Advanced for Review 368
Feb. 2 Placed on Select File 375
Feb. 7 E and R amendment adopted.

Advanced for Engrossment 418
Feb. 9 Correctly Engrossed 443
Feb. 14 Final Reading 494
Feb. 14 President signed 507
Feb. 15 Presented to Governor 512
Feb. 17 Approved by Governor (2-17) 576

LEGISLATIVE BILL 144 By L. Johnson, Goodrich

Jan. 11 Read first time 120
Jan. 13 Referred to Committee on Banking, Commerce and Insurance 153
Jan. 14 Notice of hearing (1-24) 179
Jan. 27 Placed on General File 317
Feb. 1 Committee amendment adopted. Advanced for Review 368
Feb. 2 Placed on Select File 375
Feb. 7 E and R amendment adopted. Advanced for Engrossment 418
Feb. 9 Correctly Engrossed 443
Feb. 14 Final Reading 495
Feb. 14 President signed 507
Feb. 15 Presented to Governor 512
Feb. 17 Approved by Governor (2-17) 576

LEGISLATIVE BILL 145 By Pirsch

Jan. 11 Read first time 120
Jan. 13 Referred to Committee on Public Works 153
Jan. 24 Notice of hearing (2-2) 291
Feb. 7 Placed on General File 410
Feb. 17 Advanced for Review 558
Feb. 22 Placed on Select File 587
Feb. 23 Advanced for Engrossment 621
Feb. 25 Correctly Engrossed 667
Mar. 3 Final Reading 740
Mar. 3 President signed 757
Mar. 4 Presented to Governor 767
Mar. 10 Approved by Governor (3-9) 888

LEGISLATIVE BILL 146 By Pirsch

Jan. 11 Read first time 121
Jan. 13 Referred to Committee on Judiciary 153
Jan. 19 Notice of hearing (2-1) 265
Mar. 15 Nichol priority bill 962

Mar. 16 Attorney General's Opinion 976
Mar. 18 Placed on General File 1024
Apr. 13 Pirsch amendment to committee amendment printed.....1488
May 4 Committee amendment adopted as amended by Pirsch pending amendment p. 1488. Advanced for Review 1984
May 5 Placed on Select File 2014
May 6 Pirsch amendment printed 2058
May 10 E and R amendments adopted. Pirsch pending amendment p. 2058 adopted. Beutler amendment adopted. Advanced for Engrossment 2172
May 16 Correctly Engrossed.....2262
May 19 Returned to Select File for Beutler-Pirsch amendment 2387
May 19 Beutler-Pirsch pending amendment adopted. Advanced for Re-Engrossment 2388
May 19 Correctly Re-Engrossed.....2404
May 24 Final Reading 2484
May 24 President signed 2493
May 24 Presented to Governor 2498
May 25 Approved by Governor (5-25) 2536

LEGISLATIVE BILL 147 By Sieck

Jan. 11 Read first time 121
Jan. 13 Referred to Committee on Revenue.....153
Feb. 17 Notice of hearing (3-8).....573

LEGISLATIVE BILL 148 By Remmers

Jan. 11 Read first time 121
Jan. 13 Referred to Committee on Government, Military and Veterans Affairs 153
Jan. 17 Notice of hearing (2-3).....194
Jan. 18 Remmers motion to withdraw laid over.....228
Jan. 19 Remmers pending motion prevailed. Withdrawn....248
Jan. 26 Notice of hearing (cancelled).....306

LEGISLATIVE BILL 149 By Lamb

Jan. 11 Read first time 121
Jan. 13 Referred to Committee on Agriculture and Environment 153
Jan. 19 Notice of hearing (1-27).....284

Feb. 2 Placed on General File....372
Feb. 8 Advanced for Review....432
Feb. 11 Placed on Select File....479
Feb. 15 E and R amendment adopted.
Advanced for Engrossment....513
Feb. 17 Correctly Engrossed....561
Feb. 24 Final Reading....643
Feb. 24 President signed....659
Feb. 25 Correction....662
Feb. 25 Presented to Governor....663
Mar. 2 Approved by Governor (3-2)....717

LEGISLATIVE BILL 150 By Fenger

Jan. 11 Read first time....121
Jan. 13 Referred to Committee on Urban Affairs....153
Jan. 26 Notice of hearing (2-2)....309
Feb. 7 Placed on General File....422
Feb. 17 Newell amendment printed....573
Feb. 22 Labedz amendment printed....610
Mar. 14 Fenger priority bill....932
Mar. 15 Committee amendment adopted. Newell pending amendment p. 573 withdrawn. Labedz pending amendment p. 610 adopted. Newell amendment withdrawn.
Advanced for Review....948
Mar. 17 Placed on Select File....1004

LEGISLATIVE BILL 151 By Fenger

Jan. 11 Read first time....122
Jan. 13 Referred to Committee on Miscellaneous Subjects....153
Feb. 2 Notice of hearing (2-25)....375
Mar. 21 Indefinitely postponed....1039

LEGISLATIVE BILL 152 By Fenger

Jan. 11 Read first time....122
Jan. 13 Referred to Committee on Public Works....153
Jan. 24 Notice of hearing (2-3)....291
Mar. 25 Placed on General File....1152

LEGISLATIVE BILL 153 By Labedz

Jan. 11 Read first time....122

Jan. 13 Referred to Committee on Revenue 153
Jan. 19 Labedz motion to withdraw laid over 247
Jan. 24 Labedz pending motion prevailed. Withdrawn.....293

LEGISLATIVE BILL 154 By Vickers

Jan. 11 Read first time 122
Jan. 13 Referred to Committee on Agriculture and Environment 153
Jan. 19 Notice of hearing (1-28).....284
Feb. 14 Placed on General File.....490
Mar. 10 Committee amendment adopted. Advanced for Review 891
Mar. 15 Placed on Select File 957
Mar. 17 E and R amendment adopted. Advanced for Engrossment 1002
Mar. 22 Correctly Engrossed 1053
Apr. 28 Vickers amendment printed 1841
May 2 Vickers amendment printed 1890
May 9 Vickers pending amendment p. 1841 withdrawn. Returned to Select File for Vickers pending amendment p. 1890. Vickers pending amendment adopted. Advanced for Re-Engrossment 2100
May 9 Returned to Select File for Beutler amendment. Beutler amendment adopted. Advanced for Re-Engrossment. Schmit motion to return to Select File withdrawn 2101
May 11 Correctly Re-Engrossed. E and R changes 2211
May 16 Marsh motion to suspend rules prevailed 2292
May 16 Final Reading 2295
May 16 Speaker signed 2300
May 17 Presented to Governor 2303
May 23 Approved by Governor (5-20) 2440

LEGISLATIVE BILL 155 By DeCamp, Goll, Pappas, Chronister, R. Peterson, Clark, Beyer, Barrett, Doyle, Hefner, Morehead, Von Minden, Wiitala, Wesely, H. Peterson

Jan. 11 Read first time 122
Jan. 12 Landis name added 149
Jan. 13 Referred to Committee on Banking, Commerce and Insurance.....153
Jan. 14 Haberman name added 172
Jan. 14 Notice of hearing (1-25).....179
Jan. 17 Lundy name added.....195

Jan. 27 Placed on General File....317
Feb. 1 Committee amendment adopted. Hoagland and DeCamp amendments adopted....368
Feb. 2 Advanced for Review....372
Feb. 3 Placed on Select File....392
Feb. 7 Passed over....418
Feb. 17 Beutler amendment printed....579
Feb. 22 E and R amendment adopted. Beutler pending amendment withdrawn. Beutler and DeCamp amendments adopted. Hoagland amendment lost. Goll amendment adopted. Advanced for Engrossment....604
Feb. 24 Correctly Engrossed. E and R changes....652
Mar. 2 Returned to Select File for Chambers amendment....708
Mar. 2 Chambers pending amendment adopted. Advanced for Re-Engrossment. Chambers motion to return to Select File lost. Returned to Select File for Chambers amendment. Chambers amendment adopted. Advanced for Re-Engrossment....709
Mar. 4 Correctly Re-Engrossed. E and R changes....786
Mar. 15 Goll amendment printed....948
Mar. 17 Passed over....991
Mar. 18 DeCamp-Goll-Morehead amendment printed....1026
Mar. 24 Returned to Select File for DeCamp-Goll-Morehead pending amendment p. 1026. Point of order overruled. Goll pending amendment p. 948 withdrawn....1116
Mar. 24 DeCamp-Goll-Morehead pending amendment p. 1026 adopted. Advanced for Re-Engrossment....1117
Mar. 29 Correctly Re-Engrossed....1225
Apr. 6 Chambers motion to return to Select File lost. Passed over....1338
Apr. 6 Attorney General's Opinion....1360
Apr. 11 Chambers amendment printed....1437
Apr. 12 Chambers motion to return to Select File lost....1439
Apr. 12 Chambers motion to return to Select File lost....1446
Apr. 12 Final Reading....1447
Apr. 12 President signed....1449
Apr. 12 Presented to Governor....1451
Apr. 18 Approved by Governor (4-18)....1581

LEGISLATIVE BILL 156 By Schmit

Jan. 11 Read first time 123
Jan. 13 Referred to Committee on Revenue 153
Jan. 18 Notice of hearing (1-26) 234
Jan. 31 Indefinitely postponed 337

LEGISLATIVE BILL 157 By Schmit, Chronister, Wesely, R. Johnson

Jan. 11 Read first time 123
Jan. 13 Referred to Committee on Agriculture and Environment 153
Jan. 13 Haberman name added 165
Jan. 14 Schmit motion to withdraw laid over 174
Jan. 14 Wesely and R. Johnson names withdrawn 185
Jan. 17 Schmit pending motion prevailed. Withdrawn 213

LEGISLATIVE BILL 158 By Wiitala

Jan. 11 Read first time 123
Jan. 13 Referred to Committee on Business and Labor 153
Jan. 26 Notice of hearing (2-9) 306
Feb. 22 Placed on General File 594
Mar. 2 Barrett amendment printed 720
Mar. 14 Business and Labor Committee priority bill 932
Mar. 31 Passed over 1301
Apr. 11 Hoagland amendment to Barrett pending amendment lost. Barrett pending amendment p. 720 adopted. Advanced for Review 1422
Apr. 14 Placed on Select File 1510
Apr. 20 Advanced for Engrossment 1656
Apr. 26 Correctly Engrossed 1739
May 16 Final Reading 2285
May 16 Speaker signed 2300
May 17 Presented to Governor 2303
May 23 Approved by Governor (5-20) 2440

LEGISLATIVE BILL 158A By Wiitala

Feb. 28 Read first time. Placed on General File 691
Apr. 11 Advanced for Review 1423
Apr. 14 Placed on Select File 1510
Apr. 20 Wiitala amendment adopted. Advanced for Engrossment 1656
Apr. 26 Correctly Engrossed 1739
Apr. 26 E and R changes 1740

May 16 Final Reading 2286
May 16 Speaker signed 2300
May 17 Presented to Governor 2303
May 23 Approved by Governor (5-20) 2440

LEGISLATIVE BILL 159 By Goodrich

Jan. 11 Read first time 123
Jan. 13 Referred to Committee on Education 153
Jan. 28 Notice of hearing (2-8) 327
Mar. 22 Placed on General File 1065
May 10 Advanced for Review 2144
May 10 Vickers amendment printed 2149
May 11 Placed on Select File 2185
May 19 E and R amendments adopted. Vickers pending amendment withdrawn. Advanced for Engrossment 2400
May 20 Correctly Engrossed. E and R changes 2426
May 24 Nichol motion to suspend rules prevailed 2489
May 24 Final Reading 2491
May 24 Speaker signed 2493
May 24 Presented to Governor 2498
May 25 Approved by Governor (5-25) 2536

LEGISLATIVE BILL 160 By Carsten

Jan. 11 Read first time 123
Jan. 13 Referred to Committee on Education 153
Jan. 24 Notice of hearing (2-2) 287
Mar. 3 Indefinitely postponed 743

LEGISLATIVE BILL 161 By Fowler, V. Johnson

Jan. 11 Read first time 123
Jan. 13 Referred to Committee on Public Health and Welfare 153
Feb. 16 Notice of hearing (2-28) 550
Mar. 7 Indefinitely postponed 805

LEGISLATIVE BILL 162 By Goodrich

Jan. 11 Read first time 127
Jan. 13 Referred to Committee on Constitutional Revision and Recreation 153
Jan. 17 Notice of hearing (1-27) 217
Jan. 28 Placed on General File 333

Feb. 3 Advanced for Review....382
Feb. 4 Placed on Select File....407
Feb. 8 Advanced for Engrossment....430
Feb. 10 Correctly Engrossed....463
Feb. 16 Final Reading....530
Feb. 16 President signed....539
Feb. 16 Presented to Governor....548
Feb. 22 Approved by Governor (2-18)....588

LEGISLATIVE BILL 163 By Goodrich

Jan. 11 Read first time....127
Jan. 13 Referred to Committee on Constitutional Revision and Recreation....153
Jan. 17 Notice of hearing (1-27)....217
Jan. 28 Placed on General File....333
Feb. 3 Advanced for Review....382
Feb. 4 Placed on Select File....407
Feb. 8 Advanced for Engrossment....430
Feb. 10 Correctly Engrossed....463
Feb. 16 Final Reading....531
Feb. 16 President signed....539
Feb. 16 Presented to Governor....548
Feb. 22 Approved by Governor (2-18)....588

LEGISLATIVE BILL 164 By Vickers, Chambers

Jan. 11 Read first time....131
Jan. 13 Referred to Committee on Miscellaneous Subjects....153
Jan. 14 Higgins name added....185
Feb. 2 Notice of hearing (2-25)....375
Mar. 8 Indefinitely postponed....824

LEGISLATIVE BILL 165 By Goodrich

Jan. 11 Read first time....137
Jan. 13 Referred to Committee on Nebraska Retirement Systems....153
Jan. 24 Notice of hearing (2-2)....292
Feb. 11 Placed on General File....479

LEGISLATIVE BILL 165A By Goodrich

Feb. 24 Read first time. Placed on General File....651

LEGISLATIVE BILL 166 By Newell, V. Johnson, Eret, Hoagland, Wiitala, Sieck, Landis, Carsten, Pappas, Von Minden, Doyle, Wesely

Jan. 11 Read first time 137
Jan. 13 Referred to Committee on Public Works.....153
Jan. 18 Notice of hearing (1-26).....221
Jan. 31 Indefinitely postponed.....340

LEGISLATIVE BILL 167 By Pirsch

Jan. 11 Read first time 138
Jan. 13 Referred to Committee on Public Works.....153
Jan. 24 Notice of hearing (2-2).....291

LEGISLATIVE BILL 168 By Wiitala

Jan. 12 Read first time 141
Jan. 14 Referred to Committee on Judiciary 169
Jan. 19 Notice of hearing (1-31).....265
Feb. 14 Indefinitely postponed 508

LEGISLATIVE BILL 169 By Newell, Kilgarin

Jan. 12 Read first time 141
Jan. 14 Referred to Committee on Revenue.....169
Jan. 24 Notice of hearing (2-1).....287
Feb. 16 Placed on General File.....542
Mar. 4 Warner amendment printed 778
Mar. 7 Haberman amendments printed 810
Mar. 7 Newell amendment printed.....812
Mar. 8 Committee amendment adopted. Newell amendment ruled germane. Newell pending amendment lost. Warner pending amendment p. 778 adopted. Newell pending amendment p. 812 withdrawn. Haberman pending amendments p. 810 withdrawn. Advanced for Review.....831
Mar. 14 Placed on Select File 915
Mar. 17 E and R amendments adopted. Newell amendment adopted. H. Peterson motion to indefinitely postpone laid over.....1000
Mar. 23 H. Peterson pending motion lost 1088
Mar. 23 Wagner amendment adopted. H. Peterson amendment lost. Advanced for Engrossment 1090

Mar. 23 Wagner explanation of vote 1091
Mar. 29 Correctly Engrossed. E and R changes 1225
Mar. 29 Kilgarin-Warner amendment printed 1227
Mar. 29 DeCamp amendment printed 1240
Apr. 6 Returned to Select File for Kilgarin-Warner pending amendment p. 1227. Kilgarin-Warner pending amendment adopted. Advanced for Re-Engrossment 1340
Apr. 11 Correctly Re-Engrossed. E and R change 1436
Apr. 20 DeCamp pending amendment p. 1240 withdrawn.....1616
Apr. 20 H. Peterson motion to return to Select File lost. Lamb, Haberman, Warner, and DeCamp motions to return to Select File withdrawn 1617
Apr. 20 Final Reading 1618
Apr. 20 President signed 1639
Apr. 20 Presented to Governor 1650
Apr. 26 Approved by Governor (4-26) 1753

LEGISLATIVE BILL 170 By Constitutional Revision and Recreation Committee

Jan. 12 Read first time 141
Jan. 14 Referred to Committee on Constitutional Revision and Recreation.....169
Jan. 27 Notice of hearing (2-11).....316
Mar. 8 Placed on General File 837
Mar. 10 Lamb amendment printed 896
Mar. 14 Lamb priority bill 944
Mar. 22 Labedz amendment to committee amendment printed.....1079
Mar. 24 Lamb amendment printed 1134
Mar. 28 Committee amendments adopted as amended by Labedz pending amendment p. 1079. Lamb pending amendment p. 896 withdrawn. Lamb pending amendment p. 1134 adopted. Advanced for Review 1208
Apr. 5 Placed on Select File 1325
Apr. 6 E and R amendment adopted. Advanced for Engrossment 1366
Apr. 12 Correctly Engrossed. E and R change 1451
Apr. 20 Final Reading 1621
Apr. 20 President signed 1639
Apr. 20 Presented to Governor 1650

Apr. 25 Approved by Governor (4-25) 1710
Apr. 28 Attorney General's Opinion 1845

LEGISLATIVE BILL 171 By Constitutional Revision and Recreation Committee

Jan. 12 Read first time 141
Jan. 14 Referred to Committee on Revenue 169
Jan. 17 Rereferred to Committee on Constitutional Revision and Recreation.....218
Jan. 24 Notice of hearing (2-4).....291
Feb. 7 Placed on General File.....419

LEGISLATIVE BILL 172 By L. Johnson

Jan. 12 Read first time 142
Jan. 14 Referred to Committee on Revenue 169
Feb. 7 Notice of hearing (2-15).....411

LEGISLATIVE BILL 173 By Constitutional Revision and Recreation Committee

Jan. 12 Read first time 142
Jan. 14 Referred to Committee on Constitutional Revision and Recreation.....169
Jan. 27 Notice of hearing (2-17).....316
Feb. 24 Placed on General File.....651
Mar. 25 Committee amendment adopted. Advanced for Review 1170
Apr. 5 Placed on Select File 1305
Apr. 6 Advanced for Engrossment.....1367
Apr. 12 Correctly Engrossed.....1460
Apr. 20 Final Reading 1622
Apr. 20 President signed. Haberman explanation of vote 1639
Apr. 20 Presented to Governor 1650
Apr. 25 Approved by Governor (4-25) 1710

LEGISLATIVE BILL 174 By Constitutional Revision and Recreation Committee

Jan. 12 Read first time 142
Jan. 14 Referred to Committee on Constitutional Revision and Recreation.....169
Jan. 27 Notice of hearing (2-17).....316
Feb. 24 Placed on General File.....651

Mar. 14 Constitutional Revision and Recreation Committee priority bill....943
Apr. 11 Committee amendment adopted. Advanced for Review....1423
Apr. 14 Placed on Select File....1510
Apr. 15 Labedz amendments printed....1537
Apr. 15 Beutler amendment printed....1540
Apr. 20 Labedz pending amendments p. 1537 adopted. Passed over....1656
Apr. 20 Beutler pending amendment p. 1540 adopted. Advanced for Engrossment....1659
Apr. 26 Correctly Engrossed. E and R change....1763
May 4 Final Reading....1958
May 4 Speaker signed....1962
May 4 Presented to Governor....1984
May 10 Approved by Governor (5-9)....2130

LEGISLATIVE BILL 175 By Constitutional Revision and Recreation Committee

Jan. 12 Read first time....142
Jan. 14 Referred to Committee on Constitutional Revision and Recreation....169
Jan. 27 Notice of hearing (2-11)....316
Feb. 24 Indefinitely postponed....652

LEGISLATIVE BILL 176 By L. Johnson, Labedz

Jan. 12 Read first time....142
Jan. 14 Referred to Committee on Miscellaneous Subjects....169
Jan. 28 Notice of hearing (2-10)....329
Mar. 8 Indefinitely postponed....824

LEGISLATIVE BILL 177 By Clark

Jan. 12 Read first time....143
Jan. 14 Referred to Committee on Banking, Commerce and Insurance....169
Jan. 14 Notice of hearing (2-25)....179
Jan. 27 Placed on General File....318
Feb. 2 Advanced for Review....372
Feb. 3 Placed on Select File....392
Feb. 7 Advanced for Engrossment....418
Feb. 9 Correctly Engrossed....443
Feb. 14 Final Reading....496

Feb. 14 President signed 507
Feb. 15 Presented to Governor 512
Feb. 17 Approved by Governor (2-17) 576

LEGISLATIVE BILL 178 By Clark

Jan. 12 Read first time 143
Jan. 14 Referred to Committee on Banking, Commerce and Insurance.....169
Jan. 14 Notice of hearing (1-24).....179
Jan. 27 Placed on General File.....318
Feb. 2 Advanced for Review.....372
Feb. 3 Placed on Select File 392
Feb. 7 Advanced for Engrossment.....419
Feb. 9 Correctly Engrossed.....443
May 12 Final Reading 2226
May 12 President signed 2232
May 12 Presented to Governor 2242
May 17 Approved by Governor (5-17) 2330

LEGISLATIVE BILL 178A By Clark

Feb. 7 Read first time. Placed on General File.....411
Feb. 14 Advanced for Review.....506
Feb. 15 Placed on Select File 514
Feb. 22 Advanced for Engrossment.....613
Feb. 24 Correctly Engrossed.....652
May 12 Final Reading 2227
May 12 President signed 2232
May 12 Presented to Governor 2242
May 17 Approved by Governor (5-17) 2330

LEGISLATIVE BILL 179 By Pappas, Vickers

Jan. 12 Read first time 143
Jan. 14 Referred to Committee on Public Works.....169
Jan. 17 Notice of hearing (1-28).....194
Feb. 7 Placed on General File.....409
Feb. 25 Committee amendment adopted. Vickers amendment adopted. Advanced for Review 668
Mar. 1 Placed on Select File 699
Mar. 14 E and R amendment adopted. Passed over.....939
Mar. 17 Advanced for Engrossment 1000
Mar. 22 Correctly Engrossed. E and R change 1053
Mar. 28 Final Reading.....1187
Mar. 28 President signed.....1196

Mar. 28 Presented to Governor 1200
Apr. 5 Approved by Governor (4-1) 1307

LEGISLATIVE BILL 180 By H. Peterson

Jan. 12 Read first time 143
Jan. 14 Referred to Committee on Government, Military and Veterans Affairs 169
Jan. 25 Attorney General's Opinion 294
Jan. 26 Notice of hearing (2-10).....306
Jan. 28 H. Peterson amendment printed.....325
Mar. 9 H. Peterson priority bill 867
Mar. 25 Placed on General File 1158
Mar. 31 Committee amendment adopted. H. Peterson pending amendment p. 325 withdrawn. Advanced for Review.....1300
Apr. 8 Placed on Select File 1390
Apr. 12 E and R amendments adopted. Advanced for Engrossment 1453
Apr. 15 Correctly Engrossed. E and R change 1542
Apr. 20 Final Reading 1628
Apr. 20 President signed 1639
Apr. 20 Presented to Governor 1650
Apr. 25 Approved by Governor (4-25) 1710

LEGISLATIVE BILL 181 By Hefner, Eret

Jan. 12 Read first time 143
Jan. 14 Referred to Committee on Agriculture and Environment 169
Feb. 2 Notice of hearing (2-17).....387
Feb. 22 Placed on General File.....604
Mar. 4 Advanced for Review 776
Mar. 8 Placed on Select File 814
Mar. 9 Advanced for Engrossment 850
Mar. 14 Correctly Engrossed 915
Mar. 17 Final Reading.....983
Mar. 17 President signed.....993
Mar. 17 Presented to Governor 1004
Mar. 24 Approved by Governor (3-23) 1108

LEGISLATIVE BILL 182 By Barrett

Jan. 12 Read first time 143
Jan. 14 Referred to Committee on Banking, Commerce and Insurance.....169

Jan. 14 Notice of hearing (1-25) 179
Jan. 27 Placed on General File 318
Feb. 2 Committee amendment adopted. Advanced for Review 373
Feb. 3 Placed on Select File 392
Feb. 7 Advanced for Engrossment 419
Feb. 9 Correctly Engrossed 443
Feb. 14 Final Reading 497
Feb. 14 President signed 507
Feb. 15 Presented to Governor 512
Feb. 17 Approved by Governor (2-17) 576
Mar. 23 Attorney General's Opinion 1082

LEGISLATIVE BILL 183 By Pirsch

Jan. 12 Read first time 144
Jan. 14 Referred to Committee on Judiciary 169
Feb. 11 Notice of hearing (3-9) 477
Mar. 25 DeCamp name added 1156
Mar. 30 Placed on General File 1263

LEGISLATIVE BILL 184 By Pirsch

Jan. 12 Read first time 144
Jan. 14 Referred to Committee on Appropriations 169
Jan. 24 Rereferred to Committee on Revenue 287
Jan. 31 Notice of hearing (2-8) 352
Feb. 11 Indefinitely postponed 468

LEGISLATIVE BILL 185 By Barrett

Jan. 12 Read first time 144
Jan. 14 Referred to Committee on Business and Labor 169
Jan. 18 Notice of hearing (1-26) 227
Jan. 28 Placed on General File 328
Feb. 2 Advanced for Review 376
Feb. 4 Placed on Select File 394
Feb. 8 Passed over 429
Feb. 16 Barret-Lamb amendment printed 551
Feb. 23 Barrett-Lamb pending amendment adopted. Advanced for Engrossment 620
Feb. 25 Correctly Engrossed. E and R change 667
Mar. 3 Final Reading 740
Mar. 3 President signed 757
Mar. 4 Presented to Governor 767
Mar. 10 Approved by Governor (3-9) 888

LEGISLATIVE BILL 186 By Beutler

Jan. 12 Read first time 144
Jan. 14 Referred to Committee on Education 169
Jan. 17 Notice of hearing (1-31)....201
Feb. 13 Indefinitely postponed 382

LEGISLATIVE BILL 187 By Wagner

Jan. 12 Read first time 144
Jan. 14 Referred to Committee on Public Works....169
Feb. 28 Wagner motion to withdraw laid over 678
Mar. 1 Wagner pending motion prevailed. Withdrawn 700

LEGISLATIVE BILL 188 By Wagner

Jan. 12 Read first time 144
Jan. 14 Referred to Committee on Banking, Commerce and Insurance....169
Jan. 14 Notice of hearing (1-24)....179
Jan. 27 Placed on General File....318
Feb. 2 Advanced for Review....373
Feb. 3 Placed on Select File 392
Feb. 7 Passed over....419
Mar. 16 Wagner amendment printed 969
Mar. 17 Wagner pending amendment adopted. Advanced for Engrossment 996
Mar. 22 Correctly Engrossed 1053
Mar. 28 Final Reading....1188
Mar. 28 President signed....1196
Mar. 28 Presented to Governor 1200
Mar. 31 Approved by Governor (3-30) 1288

LEGISLATIVE BILL 189 By V. Johnson

Jan. 12 Read first time 145
Jan. 14 Referred to Committee on Judiciary 169
Jan. 19 Notice of hearing (1-31)....265
Feb. 23 Placed on General File....630

LEGISLATIVE BILL 190 By Beyer

Jan. 12 Read first time 145
Jan. 14 Referred to Committee on Miscellaneous Subjects 169
Jan. 28 Notice of hearing (2-10)....329

Mar. 10 Placed on General File 872
Mar. 29 DeCamp amendment printed 1231

LEGISLATIVE BILL 191 By Beyer

Jan. 12 Read first time 145
Jan. 14 Referred to Committee on Public Works.....169
Jan. 18 Notice of hearing (1-27).....221
Jan. 31 Placed on General File.....339
Feb. 4 Advanced for Review.....402
Feb. 8 Placed on Select File 434
Feb. 10 Advanced for Engrossment.....460
Feb. 15 Correctly Engrossed.....511
Feb. 22 Returned to Select File for Beutler amendment 597
Feb. 22 Beutler pending amendment adopted. Advanced for Re-Engrossment 598
Feb. 23 Correctly Re-Engrossed.....624
Feb. 24 Correction.....634
Feb. 28 Final Reading 688
Feb. 28 Speaker signed 697
Mar. 1 Presented to Governor 698
Mar. 7 Approved by Governor (3-5) 789

LEGISLATIVE BILL 192 By Revenue Committee

Jan. 12 Read first time 145
Jan. 14 Referred to Committee on Revenue 169
Feb. 7 Notice of hearing (2-15).....411
Mar. 1 Placed on General File 702
Apr. 6 Warner motion to suspend rules lost 1341
Apr. 6 Carsten amendment to committee amendment printed.....1342
Apr. 7 Committee amendment (1) lost. Committee amendment (2) adopted as amended by Carsten pending amendment p. 1342. Warner amendments to committee amendment lost. Advanced for Review.....1377
Apr. 13 Placed on Select File 1481
Apr. 18 E and R amendment adopted. Cullan amendment lost. Newell amendment to Cullan amendment lost.....1577
Apr. 18 Wesely and V. Johnson amendments lost. Advanced for Engrossment.....1579
Apr. 26 Correctly Engrossed 1739
May 3 Warner amendment printed 1923

May 4 Warner motion to return to Select File lost....1950
May 4 Final Reading....1951
May 4 Speaker signed....1962
May 4 Presented to Governor....1984
May 5 Correction....1986
May 10 Approved by Governor (5-10)....2166

LEGISLATIVE BILL 193 By Revenue Committee

Jan. 12 Read first time....145
Jan. 14 Referred to Committee on Revenue....169
Jan. 17 Notice of hearing (1-24)....194
Jan. 31 Placed on General File....335
Feb. 3 Attorney General's Opinion....387
Feb. 4 Committee amendment adopted. Advanced for Review....400
Feb. 7 Placed on Select File....420
Feb. 8 V. Johnson amendment printed....434
Feb. 11 V. Johnson pending amendment adopted. Passed over....473
Mar. 22 Doyle amendment printed....1074
Mar. 22 Doyle amendment printed....1075
May 19 Doyle pending amendment p. 1074 lost. Doyle pending amendment p. 1075 adopted. Advanced for Engrossment....2401
May 20 Correctly Engrossed....2426
May 24 Nichol motion to suspend rules prevailed....2489
May 24 Haberman motion to return to Select File withdrawn. Final Reading....2492
May 24 President signed....2499
May 24 Presented to Governor....2502
May 25 Approved by Governor (5-25)....2536

LEGISLATIVE BILL 194 By Revenue Committee

Jan. 12 Read first time....146
Jan. 14 Referred to Committee on Revenue....170
Jan. 17 Notice of hearing (1-24)....194
Jan. 31 Placed on General File....350
Feb. 8 Committee amendment adopted. Advanced for Review....431
Feb. 10 Placed on Select File....466
Feb. 15 Advanced for Engrossment....513
Feb. 17 Hefner amendment printed....557
Mar. 3 Carsten amendment printed....757

Mar. 23 Correctly Engrossed 1101
Mar. 29 Passed over.....1215
Mar. 31 Hefner pending amendment p. 557 withdrawn. Returned to Select File for Carsten pending amendment p. 757. Carsten pending amendment adopted. Advanced for Re-Engrossment 1290
Apr. 8 Correctly Re-Engrossed. E and R change 1411
Apr. 18 Final Reading 1550
Apr. 18 President signed 1567
Apr. 18 Presented to Governor 1569
Apr. 25 Approved by Governor (4-22) 1691

LEGISLATIVE BILL 195 By Revenue Committee

Jan. 12 Read first time 146
Jan. 14 Referred to Committee on Revenue 170
Jan. 17 Notice of hearing (1-24).....194
Jan. 31 Placed on General File.....351
Feb. 8 Committee amendment adopted. Advanced for Review 431
Feb. 10 Placed on Select File 466
Feb. 15 E and R amendment adopted. Advanced for Engrossment 513
Feb. 17 Correctly Engrossed.....561
Feb. 24 Final Reading 643
Feb. 24 Speaker signed 659
Feb. 25 Correction.....662
Feb. 25 Presented to Governor 663
Mar. 2 Approved by governor (3-2).....717

LEGISLATIVE BILL 196 By Revenue Committee

Jan. 12 Read first time 146
Jan. 14 Referred to Committee on Revenue 170
Jan. 17 Notice of hearing (1-24).....194
Jan. 31 Placed on General File.....336
Feb. 4 Passed over.....400
Feb. 9 Carsten amendment printed 450
Feb. 25 Committee amendment adopted. Carsten pending amendment p. 450 adopted. DeCamp motion to indefinitely postpone prevailed 664

LEGISLATIVE BILL 197 By Higgins

Jan. 12 Read first time 146
Jan. 14 Referred to Committee on Banking, Commerce and Insurance.....170
Jan. 14 Notice of hearing (1-25).....179
Jan. 27 Placed on General File.....318
Feb. 2 DeCamp amendment adopted. Advanced for Review 374
Feb. 3 Placed on Select File 392
Feb. 7 E and R amendment adopted. Advanced for Engrossment 419
Feb. 9 Correctly Engrossed.....443
Feb. 9 E and R change.....444
Feb. 14 Final Reading 497
Feb. 14 President signed 507
Feb. 15 Correction.....510
Feb. 15 Presented to Governor 512
Feb. 17 Approved by Governor (2-17) 576

LEGISLATIVE BILL 198 By Kahle, Sieck, H. Peterson, Goodrich, Warner, Beyer, Wagner, DeCamp, Clark, Jacobson, Schmit

Jan. 12 Read first time 146
Jan. 14 Referred to Committee on Public Works.....170
Jan. 14 Nichol name added.....172
Jan. 17 Lundy name added.....195
Feb. 3 Notice of hearing (2-16).....380
Mar. 14 Kahle priority bill.....932
Mar. 22 Placed on General File 1080
Mar. 29 Lamb amendment printed 1230
Mar. 30 Kahle amendment printed.....1275
Apr. 6 Kahle amendment to committee amendment printed.....1350
Apr. 7 Committee amendment adopted as amended by Kahle pending amendment p. 1350. Lamb pending amendment p. 1230 adopted. Wesely amendment ruled not germane.....1382
Apr. 7 Wesely amendment lost. Kahle pending amendment p. 1275 withdrawn. Vickers amendment adopted. Advanced for Review 1385
Apr. 13 Placed on Select File 1486
Apr. 20 E and R amendments adopted. Vickers amendment lost as amended by Vickers. Vickers amendment lost 1644
Apr. 20 Vickers motion to indefinitely postpone

lost. Advanced for Engrossment....1654
Apr. 26 Correctly Engrossed....1739
Apr. 26 E and R change....1740
Apr. 27 Kahle amendment printed....1778
May 4 Returned to Select File for Kahle pending amendment....1951
May 4 Kahle pending amendment adopted. Advanced for Re-Engrossment. Vickers motion to return to Select File lost....1952
May 4 Returned to Select File for Beutler amendment. Beutler amendment adopted. Advanced for Re-Engrossment. Haberman-Vickers motion to return to Select File lost....1953
May 5 Correction....1986
May 9 Correctly Re-Engrossed. E and R change....2107
May 11 Attorney General's Opinion....2213
May 12 Final Reading....2218
May 12 Hoagland explanation of vote....2222
May 12 President signed....2232
May 12 Presented to Governor....2242
May 17 Approved by Governor (5-17)....2330

LEGISLATIVE BILL 199 By Constitutional Revision and Recreation Committee

Jan. 12 Read first time....147
Jan. 14 Referred to Committee on Constitutional Revision and Recreation....170
Jan. 24 Notice of hearing (2-3)....291
Feb. 4 Placed on General File....406
Feb. 17 Landis amendment printed....558
Feb. 23 Committee amendment adopted. Landis pending amendment pending....629
Feb. 24 Landis pending amendment lost. Morehead amendment to Landis amendment lost. Sieck amendment lost....655
Feb. 24 Vickers amendment adopted. Chambers amendment lost. Advanced for Review....658
Feb. 25 Placed on Select File....672
Mar. 4 Morehead amendments printed....785
Mar. 8 Labedz-Morehead amendment printed....828
Mar. 9 E and R amendments adopted. Chambers

amendment lost. Morehead pending amendments p. 785 withdrawn. Labedz-Morehead pending amendment p. 828 adopted. Chambers amendment lost 848
Mar. 9 Chambers amendment printed 869
Mar. 10 Lamb amendment printed 897
Mar. 14 Lamb pending amendment p. 897 withdrawn. Chambers pending amendment p. 869 adopted. Wesely amendment lost. Advanced for Engrossment 938
Mar. 17 Correctly Engrossed. E and R changes 979
Mar. 21 Chambers amendment printed 1043
Mar. 23 Labedz amendment printed 1102
Mar. 24 Chambers pending amendment p. 1043 withdrawn. Returned to Select File for Labedz pending amendment p. 1102. Labedz pending amendment adopted. Advanced for Re-Engrossment 1116
Mar. 29 Correctly Re-Engrossed 1225
Apr. 12 Final Reading 1443
Apr. 12 President signed 1449
Apr. 12 Presented to Governor 1451
Apr. 18 Approved by Governor (4-18) 1581

LEGISLATIVE BILL 199A By Labedz

Mar. 21 Read first time. Placed on General File 1037
Mar. 24 Advanced for Review 1129
Mar. 28 Placed on Select File 1194
Mar. 30 Advanced for Engrossment 1265
Apr. 7 Correctly Engrossed 1383
Apr. 12 Final Reading 1444
Apr. 12 President signed 1449
Apr. 12 Presented to Governor 1451
Apr. 18 Approved by Governor (4-18) 1581

LEGISLATIVE BILL 200 By Agriculture and Environment Committee, Schmit

Jan. 13 Read first time 154
Jan. 17 Referred to Committee on Agriculture and Environment 195
Feb. 15 Notice of hearing (2-24) 516
Feb. 25 Placed on General File 672
Mar. 15 Nichol priority bill 962

Mar. 25 Advanced for Review 1157
Mar. 29 Placed on Select File 1211
Mar. 29 Schmit amendment printed.....1226
Mar. 30 Schmit pending amendment adopted.
Advanced for Engrossment 1264
Apr. 7 Correctly Engrossed.....1383
Apr. 7 E and R change.....1384
May 12 Final Reading 2238
May 12 President signed 2247
May 12 Presented to Governor 2253
May 17 Approved by Governor (5-17) 2330

LEGISLATIVE BILL 200A By Schmit

Mar. 4 Read first time.
Placed on General File 786
Mar. 25 Advanced for Review 1157
Mar. 29 Placed on Select File 1211
Mar. 30 Schmit amendment adopted.
Advanced for Engrossment 1264
Apr. 7 Correctly Engrossed.....1383
Apr. 7 E and R change.....1384
May 12 Final Reading 2239
May 12 President signed 2247
May 12 Presented to Governor 2253
May 17 Approved by Governor (5-17) 2330

LEGISLATIVE BILL 201 By Newell

Jan. 13 Read first time 154
Jan. 17 Referred to Committee on Nebraska
Retirement Systems.....195
Jan. 24 Notice of hearing (1-31).....292
Feb. 3 Placed on General File.....391
Feb. 11 Advanced for Review.....483
Feb. 15 Placed on Select File 510
Feb. 22 Advanced for Engrossment.....613
Feb. 24 Correctly Engrossed.....652
Mar. 2 Final Reading.....710
Mar. 2 President signed.....716
Mar. 3 Presented to Governor 729
Mar. 8 Approved by Governor (3-7) 819

LEGISLATIVE BILL 202 By Chambers

Jan. 13 Read first time 155

Jan. 17 Referred to Committee on Judiciary 195
Jan. 31 Notice of hearing (2-16).....342
Mar. 14 Chambers priority bill.....943

LEGISLATIVE BILL 203 By Goodrich

Jan. 13 Read first time 155
Jan. 17 Referred to Committee on Education 195
Jan. 24 Notice of hearing (2-1).....287
Feb. 3 Placed on General File.....382
Feb. 11 Advanced for Review.....483
Feb. 15 Placed on Select File 510
Feb. 22 Advanced for Engrossment.....613
Feb. 24 Correctly Engrossed.....652
Mar. 2 Final Reading.....711
Mar. 2 President signed.....716
Mar. 3 Presented to Governor 729
Mar. 8 Approved by Governor (3-7) 819

LEGISLATIVE BILL 204 By Wesely, Chronister, Hoagland

Jan. 13 Read first time 155
Jan. 17 Referred to Committee on Public Works.....195
Jan. 24 Notice of hearing (2-4).....291
Feb. 22 Placed on General File.....601
Mar. 10 Committee amendment adopted. Advanced for Review 907
Mar. 16 Placed on Select File 968
Mar. 17 Passed over.....1003
Mar. 30 E and R amendment adopted. Wesely amendment adopted. Advanced for Engrossment 1264
Apr. 7 Correctly Engrossed.....1383
May 3 Newell amendment printed.....1923
May 11 Newell motion to return to Select File withdrawn. Newell pending amendment p. 1923 withdrawn 2197
May 12 Final Reading.....2243
May 12 President signed 2247
May 12 Presented to Governor 2253
May 17 Approved by Governor (5-17) 2330

LEGISLATIVE BILL 204A By Wesely

Mar. 14 Read first time. Placed on General File.....909
Mar. 21 Advanced for Review 1034
Mar. 23 Placed on Select File 1089

Mar. 30 Wesely amendment adopted.
Advanced for Engrossment 1264
Apr. 7 Correctly Engrossed 1383
May 12 Final Reading 2243
May 12 President signed 2247
May 12 Presented to Governor 2253
May 17 Approved by Governor (5-17) 2330

LEGISLATIVE BILL 205 By Hoagland

Jan. 13 Read first time 155
Jan. 17 Referred to Committee on Judiciary 195
Jan. 17 Sieck name added 219
Feb. 11 Notice of hearing (2-28) 476
Mar. 2 Indefinitely postponed 718

LEGISLATIVE BILL 206 By Von Minden, V. Johnson, Hoagland, Wiitala, Landis, Sieck, Wesely, R. Peterson, Beutler, Eret, Clark, Pappas, Carsten, Newell, Doyle, Fowler

Jan. 13 Read first time 155
Jan. 17 Referred to Committee on Public Works 195
Jan. 18 Notice of hearing (1-26) 221
Feb. 25 Indefinitely postponed 663

LEGISLATIVE BILL 207 By Vickers

Jan. 13 Read first time 156
Jan. 17 Referred to Committee on Education 195
Feb. 7 Notice of hearing (2-22) 416
Mar. 3 Placed on General File 743
Mar. 25 Committee amendment lost.
Advanced for Review 1176
Apr. 5 Placed on Select File 1306
Apr. 6 Advanced for Engrossment 1367
Apr. 12 Correctly Engrossed 1460
Apr. 14 Correctly Engrossed (Corrected Report) 1520
Apr. 20 Passed over 1627
Apr. 27 Returned to Select File for Beutler
amendment. Beutler amendment adopted.
Advanced for Re-Engrossment 1773
May 2 Correctly Re-Engrossed. E and R change 1874
May 5 Final Reading 1987
May 5 Speaker signed 1990
May 5 Presented to Governor 2004
May 10 Approved by Governor (5-9) 2130

LEGISLATIVE BILL 208 By Cullan

Jan. 13 Read first time 156
Jan. 17 Referred to Committee on Judiciary 195
Jan. 19 Notice of hearing (2-2).....265
Feb. 11 Placed on General File.....474
Feb. 17 Advanced for Review.....559
Feb. 22 Placed on Select File 587
Feb. 23 Advanced for Engrossment.....621
Feb. 25 Correctly Engrossed.....675
Feb. 28 Wesely amendment printed 693
Mar. 3 Wesely motion to return to Select File lost 743
Mar. 3 Final Reading.....744
Mar. 3 Speaker signed 757
Mar. 4 Presented to Governor 767
Mar. 10 Approved by Governor (3-9) 888

LEGISLATIVE BILL 209 By Goodrich, Fowler

Jan. 13 Read first time 156
Jan. 17 Referred to Committee on Education 195
Jan. 28 Notice of hearing (2-8).....327
Feb. 14 Placed on General File.....501
Mar. 10 Committee amendment adopted.
Advanced for Review 891
Mar. 15 Placed on Select File 957
Mar. 17 E and R amendment adopted.
Advanced for Engrossment 1002
Mar. 22 Correctly Engrossed 1053
Mar. 22 Hold up printing on Final Reading 1080
Mar. 29 Goodrich amendment printed 1213
Mar. 31 Returned to Select File for Goodrich
amendment. Goodrich amendment adopted.
Advanced for Re-Engrossment 1289
Mar. 31 Returned to Select File for Beutler
amendment. Beutler amendment adopted.
Advanced for Re-Engrossment 1290
Apr. 8 Correctly Re-Engrossed. E and R changes 1411
Apr. 18 V. Johnson motion to return to Committee
lost. Chambers motion to return to Select
File for amendment pending.
Passed over 1556
Apr. 20 Returned to Select File for Goodrich
amendment. Goodrich pending amendment
adopted. Advanced for Re-Engrossment 1630
Apr. 20 V. Johnson motion to return to Select

File lost....1631
Apr. 26 Correctly Re-Engrossed....1739
Apr. 26 E and R change....1740
May 4 Chambers pending motion p. 1556 withdrawn. Chambers motion to return to Select File lost....1959
May 4 Vickers motion to return to Select File lost. Chambers motion to bracket lost....1963
May 4 Final Reading....1964
May 4 Speaker signed....1969
May 4 Presented to Governor....1984
May 10 Approved by Governor (5-10)....2166

LEGISLATIVE BILL 210 By Chambers

Jan. 13 Read first time....156
Jan. 17 Referred to Committee on Nebraska Retirement Systems....195
Jan. 24 Notice of hearing (2-8)....292
Feb. 9 Vickers name added....448
Feb. 11 Placed on General File....479
Feb. 17 Pending....560
Feb. 17 Failed to advance for Review....571
Mar. 15 Nichol priority bill....962
Mar. 29 Fowler amendment printed....1220
Apr. 28 Fowler pending amendment adopted....1837
Apr. 28 Pending....1847
May 2 Advanced for Review....1883
May 3 Chambers motion to expedite lost....1935
May 4 Placed on Select File....1973
May 10 E and R amendment adopted. Fowler amendment adopted. Advanced for Engrossment....2168
May 12 Correctly Engrossed....2258
May 17 DeCamp amendments printed....2319
May 20 DeCamp motion to return to Select File for pending amendments p. 2319 withdrawn....2431
May 25 Nichol motion to suspend rules prevailed....2516
May 25 Beutler and Chambers motions to return to Select File withdrawn. Final Reading....2519
May 25 President signed....2529
May 25 Presented to Governor....2530
June 2 Approved by Governor (5-26)....2546

LEGISLATIVE BILL 210A By Fowler

Mar. 10 Read first time. Placed on General File.....2158
Mar. 17 Failed to advance for Review 2303
Mar. 18 Advanced for Review 2361
Mar. 19 Placed on Select File 2391
May 20 Advanced for Engrossment.....2410
May 23 Correctly Engrossed.....2448
May 25 Nichol motion to suspend rules prevailed 2516
May 25 Final Reading 2520
May 25 President signed 2529
May 25 Presented to Governor 2530
June 2 Approved by Governor (5-26) 2546

LEGISLATIVE BILL 211 By Chambers

Jan. 13 Read first time 156
Jan. 17 Referred to Committee on Education 195
Jan. 28 Notice of hearing (2-14).....328
Mar. 3 Indefinitely postponed 743
May 5 Chambers motion to place on General File laid over 2029
May 11 Chambers pending motion withdrawn.....2195
May 16 Chambers motion to suspend rules laid over 2294
May 24 Chambers pending motion lost.....2503

LEGISLATIVE BILL 212 By Haberman

Jan. 13 Read first time 156
Jan. 17 Referred to Committee on Revenue.....195
Jan. 18 Notice of hearing (1-26).....234
Apr. 21 Placed on General File.....1688
Apr. 25 Attorney General's Opinion 1692
Apr. 27 DeCamp amendment printed 1770
May 9 Haberman amendment printed 2111
May 10 Committee amendment adopted. Haberman pending amendment p. 2111 adopted 2144

LEGISLATIVE BILL 213 By Miscellaneous Subjects Committee

Jan. 13 Read first time 156
Jan. 17 Referred to Committee on Miscellaneous Subjects 195
Jan. 19 Notice of hearing (1-27)....249
Feb. 17 Placed on General File....555
Mar. 14 Miscellaneous Subjects priority bill....943
Mar. 22 Kahle amendment printed....1066
Mar. 24 Committee amendment adopted as amended by Hefner. Kahle pending amendment p. 1066 ruled not germane. Beyer amendment lost. Advanced for Review 1136
Mar. 29 Placed on Select File 1211
Mar. 30 E and R amendments adopted. Advanced for Engrossment 1259
Apr. 6 Correctly Engrossed....1366
Apr. 26 Newell amendment printed....1761
Apr. 28 V. Johnson amendment printed 1843
May 2 Newell motion to return to Select File pending. Newell pending amendment p. 1761 ruled not germane. Newell pending amendment withdrawn. V. Johnson pending amendment p. 1843 withdrawn. V. Johnson motion to return to Select File lost 1879
May 12 Final Reading 2236
May 12 President signed 2247
May 12 Presented to Governor 2253
May 17 Approved by Governor (5-17) 2330

LEGISLATIVE BILL 213A By Hefner

Mar. 10 Read first time. Placed on General File....892
Mar. 24 Advanced for Review 1137
Mar. 29 Placed on Select File 1211
Mar. 30 Advanced for Engrossment 1259
Apr. 6 Correctly Engrossed....1366
May 12 Final Reading 2237
May 12 President signed 2247
May 12 Presented to Governor 2253
May 17 Approved by Governor (5-17) 2330

LEGISLATIVE BILL 214 By Miscellaneous Subjects Committee

Jan. 13 Read first time 157
Jan. 17 Referred to Committee on Miscellaneous Subjects 195
Feb. 4 Notice of hearing (2-24)....403

Feb.	28	Placed on General File....680
Mar.	17	Hoagland amendment printed....1005
Mar.	17	Hoagland amendment printed....1016
Mar.	25	Committee amendment adopted. Advanced for Review....1176
Apr.	5	Placed on Select File....1306
Apr.	14	E and R amendment adopted. Hoagland pending amendment p. 1005 withdrawn. Hoagland pending amendment p. 1016 adopted. Advanced for Engrossment....1525
Apr.	20	Correctly Engrossed. E and R change....1632
Apr.	26	Hefner amendment printed....1764
Apr.	28	Returned to Select File for Hefner pending amendment. Hefner pending amendment adopted. Advanced for Re-Engrossment....1819
May	3	Correctly Re-Engrossed....1928
May	6	Final Reading....2040
May	6	Speaker signed....2064
May	6	Presented to Governor....2065
May	12	Approved by Governor (5-12)....2251

LEGISLATIVE BILL 215 By Wiitala, Labedz, DeCamp

Jan.	13	Read first time....157
Jan.	17	Referred to Committee on Banking, Commerce and Insurance....195
Jan.	31	Notice of hearing (2-8)....337
Feb.	11	Placed on General File....472
Feb.	28	DeCamp amendment printed....694
Mar.	3	Attorney General's Opinion....730
Mar.	14	Wiitala priority bill....943
Mar.	16	Committee amendment adopted. DeCamp pending amendment p. 694 withdrawn. Failed to advance for Review....966
Mar.	24	DeCamp amendment printed....1125
Apr.	26	DeCamp pending amendment withdrawn. Wiitala amendment adopted as amended by Beutler. Advanced for Review....1750
Apr.	28	Placed on Select File....1839
May	3	E and R amendments adopted. Wiitala amendment adopted. Passed over....1917
May	10	Beutler amendment adopted. Advanced for Engrossment....2153
May	12	Correctly Engrossed....2225
May	18	Final Reading....2340

May 18 Correctly Enrolled. Speaker signed 2352
May 18 Presented to Governor 2356
May 23 Approved by Governor (5-23) 2464

LEGISLATIVE BILL 216 By Nebraska Retirement Systems Committee

Jan. 13 Read first time 157
Jan. 17 Referred to Committee on Nebraska Retirement Systems.....195
Jan. 18 Notice of hearing (1-25).....227
Mar. 3 Placed on General File 758
Mar. 10 Failed to advance for Review 880
Mar. 28 Fowler amendment printed.....1201
May 16 Fowler amendment printed.....2269

LEGISLATIVE BILL 217 By Wiitala

Jan. 13 Read first time 158
Jan. 17 Referred to Committee on Business and Labor 195
Jan. 26 Notice of hearing (2-9).....306
Mar. 2 Placed on General File 713

LEGISLATIVE BILL 218 By Nebraska Retirement Systems Committee

Jan. 13 Read first time 158
Jan. 17 Referred to Committee on Nebraska Retirement Systems.....195
Jan. 26 Notice of hearing (2-9).....306
Mar. 9 Placed on General File 866

LEGISLATIVE BILL 219 By Nebraska Retirement Systems Committee

Jan. 13 Read first time 158
Jan. 17 Referred to Committee on Nebraska Retirement Systems.....195
Jan. 18 Notice of hearing (1-25).....227
Mar. 8 Placed on General File 828
Mar. 14 Nebraska Retirement Systems Committee priority bill.....944
Apr. 27 Committee amendment adopted. Advanced for Review 1792
May 2 Placed on Select File 1852
May 3 E and R amendment adopted.

Advanced for Engrossment 1918
May 5 Correctly Engrossed.....2015
May 10 Returned to Select File for Beutler amendment. Beutler amendment adopted. Advanced for Re-Engrossment 2133
May 11 Correctly Re-Engrossed.....2211
May 16 Marsh motion to suspend rules prevailed 2292
May 16 Pirsch motion to return to Select File lost.....2296
May 16 Final Reading 2297
May 16 Speaker signed 2300
May 17 Presented to Governor 2303
May 23 Approved by Governor (5-20) 2440

LEGISLATIVE BILL 220 By Nebraska Retirement Systems Committee

Jan. 13 Read first time 158
Jan. 17 Referred to Committee on Nebraska Retirement Systems.....195
Jan. 26 Notice of hearing (2-17).....306
Mar. 30 Attorney General's Opinion 1245
Apr. 8 Placed on General File.....1399

LEGISLATIVE BILL 221 By Fowler, Labedz, Wiitala

Jan. 13 Read first time 159
Jan. 17 Referred to Committee on Judiciary 195
Jan. 19 Notice of hearing (2-1).....265
Feb. 11 Indefinitely postponed 476

LEGISLATIVE BILL 222 By Nebraska Retirement Systems Committee

Jan. 13 Read first time 159
Jan. 17 Referred to Committee on Nebraska Retirement Systems.....195
Jan. 18 Notice of hearing (1-25).....227
Mar. 9 Placed on General File 866

LEGISLATIVE BILL 223 By Nebraska Retirement Systems Committee

Jan. 13 Read first time 159
Jan. 17 Referred to Committee on Nebraska Retirement Systems.....195

Jan. 24 Notice of hearing (2-2) 292
Feb. 11 Placed on General File 479
Mar. 10 Committee amendments adopted 887
Mar. 10 Advanced for Review 888
Mar. 15 Placed on Select File 957
Mar. 17 E and R amendments adopted.
Advanced for Engrossment 1002
Mar. 22 Correctly Engrossed 1053
Mar. 22 E and R changes 1054
Mar. 28 Final Reading 1188
Mar. 28 President signed 1196
Mar. 28 Presented to Governor 1200
Mar. 31 Approved by Governor (3-30) 1288

LEGISLATIVE BILL 224 By Schmit, Vickers

Jan. 13 Read first time 159
Jan. 17 Referred to Committee on Revenue 195
Feb. 17 Notice of hearing (3-7) 573
Mar. 15 Placed on General File 949
Apr. 27 Committee amendments adopted.
Advanced for Review 1779
May 2 Placed on Select File 1851
May 10 E and R amendments adopted.
Advanced for Engrossment 2168
May 12 Correctly Engrossed 2258
May 18 Returned to Select File for
Beutler amendment. Beutler amendment
adopted. Advanced for Re-Engrossment 2341
May 20 Returned to Select File for
Beutler amendment. Beutler amendment
adopted. Advanced for Re-Engrossment 2436
May 23 Correctly Re-Engrossed. E and R change 2448
May 25 Nichol motion to suspend rules prevailed 2516
May 25 Final Reading 2521
May 25 President signed 2529
May 25 Presented to Governor 2530
June 2 Approved by Governor (5-26) 2546

LEGISLATIVE BILL 225 By Hefner

Jan. 13 Read first time 160
Jan. 17 Referred to Committee on Public
Health and Welfare 195
Feb. 24 Notice of hearing (3-14) 655
Mar. 16 Placed on General File 972

Mar. 25 Advanced for Review 1158
Mar. 29 Placed on Select File 1235
Mar. 30 E and R amendment adopted.
Beutler amendment adopted 1271
Mar. 30 Newell amendment lost. Hannibal motion
to indefinitely postpone laid over 1276
Apr. 6 Hannibal pending motion lost.
Failed to advance for Engrossment....1367
Apr. 12 Newell amendment adopted.
Advanced for Engrossment 1472
Apr. 18 Correctly Engrossed....1580
Apr. 18 E and R change....1581
Apr. 26 Final Reading 1735
Apr. 26 Speaker signed 1749
Apr. 26 Presented to Governor 1752
Apr. 27 Attorney General's Opinion 1798
May 3 Approved by Governor (5-2) 1896

LEGISLATIVE BILL 225A By Hefner

Mar. 24 Read first time. Placed on General File....1139
Mar. 25 Advanced for Review 1158
Mar. 29 Placed on Select File 1235
Apr. 12 Advanced for Engrossment....1473
Apr. 18 Correctly Engrossed....1580
Apr. 26 Final Reading 1736
Apr. 26 Speaker signed 1749
Apr. 26 Presented to Governor 1752
May 3 Approved by Governor (5-2) 1896

LEGISLATIVE BILL 226 By Goll, R. Peterson, Hefner, Chronister, Von Minden, DeCamp

Jan. 13 Read first time 160
Jan. 17 Referred to Committee on Miscellaneous
Subjects 195
Jan. 19 Notice of hearing (1-28)....249
Mar. 8 Placed on General File 831

LEGISLATIVE BILL 227 By Wiitala

Jan. 13 Read first time 160
Jan. 17 Referred to Committee on Education 195
Feb. 7 Notice of hearing (3-14)....417
Mar. 21 Placed on General File 1035
Mar. 25 Advanced for Review 1161

Mar. 29 Placed on Select File 1236
Apr. 27 Carsten amendment printed 1772

LEGISLATIVE BILL 228 By Wesely, Landis, Fowler, DeCamp, Wiitala

Jan. 13 Read first time 160
Jan. 17 Referred to Committee on Revenue 195
Feb. 17 Notice of hearing (3-7) 573
Mar. 15 Nichol priority bill 962
Apr. 18 Placed on General File 1566
May 4 Carsten amendment to committee amendments printed 1946
May 6 Committee amendments adopted as amended by pending Carsten amendment. Advanced for Review 2074
May 10 Placed on Select File 2137
May 12 Wesely amendment printed 2223
May 17 E and R amendment adopted. Wesely pending amendment withdrawn. Advanced for Engrossment 2325
May 18 Correctly Engrossed 2364
May 20 Returned to Select File for Beutler amendment 2436
May 20 Beutler pending amendment adopted. Advanced for Re-Engrossment 2438
May 23 Correctly Re-Engrossed 2456
May 25 Nichol motion to suspend rules prevailed 2516
May 25 Final Reading 2522
May 25 President signed 2529
May 25 Presented to Governor 2530
June 2 Approved by Governor (5-26) 2546

LEGISLATIVE BILL 229 By Beutler

Jan. 13 Read first time 161
Jan. 17 Referred to Committee on Miscellaneous Subjects 195
Feb. 4 Notice of hearing (3-10) 403
Mar. 15 Placed on General File 955

LEGISLATIVE BILL 230 By Lamb

Jan. 13 Read first time 161
Jan. 17 Referred to Committee on Miscellaneous Subjects 196

Feb. 2 Notice of hearing (2-11).....375
Feb. 16 Placed on General File.....548
Mar. 10 Committee amendments adopted.
Advanced for Review.....898
Mar. 15 Placed on Select File.....958
Mar. 17 Hefner amendment printed.....996
Mar. 17 E and R amendments adopted.
Hefner pending amendment adopted.
Advanced for Engrossment.....1003
Mar. 23 Correctly Engrossed.....1083
Mar. 23 E and R change.....1084
Mar. 29 Final Reading.....1215
Mar. 29 President signed.....1225
Mar. 29 Presented to Governor.....1230
Apr. 5 Approved by Governor (4-4).....1307

LEGISLATIVE BILL 231 By Lamb

Jan. 13 Read first time.....161
Jan. 14 Haberman name added.....172
Jan. 17 Referred to Committee on Public Works.....196
Jan. 24 Notice of hearing (2-3).....291

LEGISLATIVE BILL 232 By Wesely, Landis

Jan. 13 Read first time.....161
Jan. 14 Carsten name added.....185
Jan. 17 Referred to Committee on Public Works.....196
Jan. 24 Notice of hearing (2-4).....291
Feb. 25 Placed on General File.....663
Mar. 3 Wesely-Hoagland amendment printed.....733

LEGISLATIVE BILL 233 By Sieck, Pirsch, Chronister

Jan. 13 Read first time.....162
Jan. 17 Referred to Committee on Judiciary.....196
Jan. 19 Notice of hearing (2-2).....265
May 17 Attorney General's Opinion.....2311

LEGISLATIVE BILL 234 By Wiitala, Pirsch, Remmers, Doyle, Labedz

Jan. 13 Read first time.....162
Jan. 14 Sieck name added.....172
Jan. 14 H. Peterson name added.....185
Jan. 17 Referred to Committee on Public Works.....196

Jan. 24 Notice of hearing (2-4) 291
Mar. 14 Rupp priority bill 943
Mar. 15 Placed on General File 952
Mar. 23 Wiitala amendment to committee amendment printed 1095
Mar. 24 Committee amendment adopted. Wiitala pending amendment to committee amendment lost. Wiitala reconsidered amendment p. 1095 adopted. Advanced for Review 1140
Mar. 29 Placed on Select File 1212
Mar. 30 E and R amendments adopted. Advanced for Engrossment 1259
Apr. 7 Correctly Engrossed 1383
Apr. 13 Wiitala amendment printed 1499
Apr. 28 Wiitala pending amendment p. 1499 withdrawn. Returned to Select File for Wiitala amendment 1822
Apr. 28 Wiitala pending amendment adopted. Advanced for Re-Engrossment. Returned to Select File for Beutler amendment 1827
Apr. 28 Beutler pending amendment adopted. Advanced for Re-Engrossment 1828
May 2 Attorney General's Opinion 1864
May 3 Correctly Re-Engrossed. E and R change 1928
May 4 Wiitala amendment printed 1956
May 6 Returned to Select File for Wiitala pending amendment. Wiitala pending amendment adopted. Advanced for Re-Engrossment. Returned to Select File for Landis amendment 2041
May 6 Landis pending amendment adopted. Advanced for Re-Engrossment 2042
May 10 Correctly Re-Engrossed. E and R change 2150
May 12 Nichol motion to suspend rules prevailed 2225
May 12 Final Reading 2246
May 12 President signed 2251
May 12 Presented to Governor 2253
May 17 Approved by Governor (5-17) 2330

LEGISLATIVE BILL 234A By Wiitala

Mar. 24 Read first time. Placed on General File 1134
Apr. 8 Advanced for Review 1391
Apr. 13 Placed on Select File 1488

Apr. 14 Advanced for Engrossment....1525
Apr. 20 Correctly Engrossed....1632
May 5 Wiitala amendment printed 2016
May 6 Returned to Select File for Wiitala pending amendment. Wiitala pending amendment adopted. Advanced for Re-Engrossment 2045
May 10 Correctly Re-Engrossed....2150
May 12 Nichol motion to suspend rules prevailed 2225
May 12 Final Reading 2247
May 12 President signed 2251
May 12 Presented to Governor 2253
May 17 Approved by Governor (5-17) 2330

LEGISLATIVE BILL 235 By Higgins, Wesely, Labedz, Wiitala

Jan. 13 Read first time 162
Jan. 17 Referred to Committee on Public Health and Welfare....196
Feb. 10 Notice of hearing (2-22)....452
Mar. 2 Placed on General File 723
Mar. 4 Higgins priority bill....787
Mar. 7 Corrected committee amendment 801
Mar. 7 Corrected committee amendment adopted. L. Johnson amendments (1) and (2) lost. Advanced for Review....805
Mar. 10 Placed on Select File 872
Mar. 14 E and R amendments adopted. Higgins, Hefner, and Beutler amendments adopted. Advanced for Engrossment 928
Mar. 17 Correctly Engrossed 979
Mar. 17 E and R changes....980
May 12 Final Reading 2231
May 12 President signed 2232
May 12 Presented to Governor 2242
May 18 Approved by Governor (5-18) 2364

LEGISLATIVE BILL 235A By Warner

Mar. 10 Read first time. Placed on General File....898
Mar. 24 Advanced for Review 1129
Mar. 28 Placed on Select File 1194
Mar. 30 Advanced for Engrossment 1259
Apr. 6 Correctly Engrossed....1335
May 12 Final Reading 2231
May 12 President signed 2232
May 12 Presented to Governor 2242

May 18 Approved by Governor (5-18) 2364

LEGISLATIVE BILL 236 By Schmit, Morehead, Lamb, Hefner, Pappas

Jan. 13 Read first time 165
Jan. 17 Referred to Committee on Public Works.....196
Jan. 26 Notice of hearing (2-9).....305
Jan. 28 Haberman name added 330
Feb. 23 Placed on General File.....616
Mar. 25 Committee amendment adopted. Advanced for Review 1163
Mar. 30 Placed on Select File 1247
Apr. 12 E and R amendment adopted. Advanced for Engrossment 1473
Apr. 18 Correctly Engrossed.....1580
Apr. 26 Beutler motion to return to Select File pending. Passed over.....1737
Apr. 28 Beutler pending motion withdrawn 1812
Apr. 28 Final Reading 1813
Apr. 28 President signed 1830
Apr. 28 Presented to Governor 1836
May 5 Approved by Governor (5-4) 1990

LEGISLATIVE BILL 237 By DeCamp, Hefner, R. Peterson, Fenger

Jan. 13 Read first time 165
Jan. 17 Referred to Committee on Nebraska Retirement Systems.....196
Jan. 26 Notice of hearing (2-24).....306
Mar. 14 Lundy priority bill.....944
Mar. 24 Placed on General File 1118
Mar. 31 Committee amendments adopted. Advanced for Review 1293
Apr. 8 Placed on Select File 1389
Apr. 8 Fowler amendment printed.....1403
Apr. 12 E and R amendments adopted. Fowler pending amendment withdrawn. DeCamp amendment adopted. Advanced for Engrossment 1449
Apr. 15 Correctly Engrossed.....1542
Apr. 15 E and R change.....1543
Apr. 20 Passed over 1629
Apr. 20 DeCamp motion to return to Select File withdrawn 1637
Apr. 20 Wesely motion to return to Select File withdrawn 1638

Apr. 20 Final Reading 1639
Apr. 20 President signed 1640
Apr. 20 Presented to Governor 1650
Apr. 25 Approved by Governor (4-25) 1710

LEGISLATIVE BILL 238 By Banking, Commerce and Insurance Committee

Jan. 13 Read first time 166
Jan. 17 Referred to Committee on Banking, Commerce and Insurance.....196
Jan. 31 Notice of hearing (2-8).....337
Feb. 10 Placed on General File.....461
Feb. 17 Advanced for Review.....558
Feb. 22 Placed on Select File 587
Feb. 23 Advanced for Engrossment.....621
Feb. 25 Correctly Engrossed.....667
Mar. 3 Final Reading.....744
Mar. 3 Speaker signed 757
Mar. 4 Presented to Governor 767
Mar. 10 Approved by Governor (3-9) 888

LEGISLATIVE BILL 239 By Banking, Commerce and Insurance Committee

Jan. 13 Read first time 166
Jan. 17 Referred to Committee on Banking, Commerce and Insurance.....196
Jan. 31 Notice of hearing (2-7).....337
Feb. 10 Placed on General File.....461
Apr. 6 Schmit amendment printed.....1345
Apr. 13 Newell amendment printed 1492
Apr. 15 Special Order 1539
Apr. 18 Schmit amendment printed.....1587
Apr. 25 Schmit pending amendments p. 1345 and p. 1587 adopted. Newell pending amendment p. 1492 withdrawn. Advanced for Review. Newell amendment printed.....1701
Apr. 26 Correction.....1730
Apr. 27 Placed on Select File 1766
May 4 DeCamp amendment printed 1937
May 11 E and R amendments adopted. DeCamp pending amendment p. 1937 adopted. Newell pending amendment p. 1701 pending 2216
May 19 Newell pending amendment p. 1701

withdrawn. Advanced for Engrossment.....2400
May 20 Correctly Engrossed. E and R change.....2426
May 24 Nichol motion to suspend rules prevailed.....2489
May 24 Final Reading.....2493
May 24 President signed.....2499
May 24 Presented to Governor.....2502
May 25 Approved by Governor (5-25).....2536

LEGISLATIVE BILL 240 By Banking, Commerce and Insurance Committee

Jan. 13 Read first time.....166
Jan. 17 Referred to Committee on Banking, Commerce and Insurance.....196
Jan. 31 Notice of hearing (2-8).....337
Feb. 11 Placed on General File.....476
Mar. 10 Committee amendments adopted. Advanced for Review.....887
Mar. 15 Placed on Select File.....956
Mar. 17 E and R amendments adopted. Advanced for Engrossment.....1002
Mar. 22 Correctly Engrossed.....1053
Mar. 28 Final Reading.....1189
Mar. 28 President signed.....1196
Mar. 28 Presented to Governor.....1200
Mar. 31 Approved by Governor (3-30).....1288

LEGISLATIVE BILL 241 By Banking, Commerce and Insurance Committee

Jan. 13 Read first time.....166
Jan. 17 Referred to Committee on Banking, Commerce and Insurance.....196
Jan. 31 Notice of hearing (2-8).....337
Feb. 11 Placed on General File.....485
Feb. 17 Schmit objected to withdraw committee amendments. DeCamp motion to suspend rules withdrawn.....574
Feb. 25 DeCamp-Goodrich amendment printed.....666
Mar. 14 L. Johnson priority bill.....944
Mar. 15 Committee amendments adopted. DeCamp-Goodrich pending amendment p. 666 adopted. Advanced for Review.....959
Mar. 15 Expedited.....960
Mar. 16 Placed on Select File.....967
Mar. 17 E and R amendment adopted. DeCamp amendment

adopted. Advanced for Engrossment 994
Mar. 21 Correctly Engrossed. E and R changes 1030
Mar. 24 Final Reading 1113
Mar. 24 President signed 1123
Mar. 24 Presented to Governor 1133
Mar. 31 Approved by Governor (3-30) 1288

LEGISLATIVE BILL 242 By Chambers

Jan. 13 Read first time 166
Jan. 17 Referred to Committee on Public Works 196
Jan. 26 Notice of hearing (2-10) 305
Jan. 31 Chambers motion to withdraw laid over 340
Feb. 1 Chambers pending motion prevailed. Withdrawn 354
Feb. 8 Notice of hearing (cancelled) 428

LEGISLATIVE BILL 243 By Banking, Commerce and Insurance Committee

Jan. 13 Read first time 166
Jan. 17 Referred to Committee on Banking, Commerce and Insurance 196
Jan. 31 Notice of hearing (2-8) 337
Feb. 10 Placed on General File 461

LEGISLATIVE BILL 244 By Warner

Jan. 14 Read first time 175
Jan. 17 Referred to Committee on Public Works 218
Feb. 3 Notice of hearing (2-17) 380
Feb. 25 Placed on General File 663
Mar. 15 Nichol priority bill 962
May 2 Advanced for Review 1883
May 4 Placed on Select File 1973
May 9 Warner amendment printed 2123
May 10 E and R amendment adopted. Warner pending amendment adopted. Advanced for Engrossment 2168
May 12 Warner amendment printed 2251
May 20 Returned to Select File for Warner pending amendment. Warner pending amendment adopted. Advanced for Engrossment 2430
May 23 Correctly Engrossed 2448
May 23 E and R change 2449

May 25 Nichol motion to suspend rules prevailed 2516
May 25 Final Reading 2522
May 25 President signed 2529
May 25 Presented to Governor 2530
June 2 Approved by Governor (5-26) 2546

LEGISLATIVE BILL 245 By Kahle

Jan. 14 Read first time 175
Jan. 17 Referred to Committee on Revenue 218
Jan. 18 Notice of hearing (1-25) 234
Jan. 31 Placed on General File 336
Feb. 4 Committee amendment adopted. Advanced for Review 400
Feb. 7 Placed on Select File 420
Feb. 10 E and R amendments adopted. Advanced for Engrossment 460
Feb. 14 Correctly Engrossed 499
Feb. 22 Final Reading 593
Feb. 22 Speaker signed 604
Feb. 22 Presented to Governor 607
Feb. 25 Approved by Governor (2-24) 662

LEGISLATIVE BILL 246 By Kahle

Jan. 14 Read first time 175
Jan. 17 Referred to Committee on Public Works 218
Jan. 24 Notice of hearing (2-3) 291
Mar. 21 Indefinitely postponed 1041

LEGISLATIVE BILL 247 By Kahle

Jan. 14 Read first time 175
Jan. 17 Referred to Committee on Public Works 218
Jan. 24 Notice of hearing (2-3) 291
Mar. 21 Indefinitely postponed 1041

LEGISLATIVE BILL 248 By Business and Labor Committee

Jan. 14 Read first time 175
Jan. 17 Referred to Committee on Business and Labor 218
Jan. 18 Notice of hearing (1-26) 228
Jan. 28 Placed on General File 328
Feb. 2 Committee amendments adopted. Barrett amendment adopted. Advanced for Review 376
Feb. 4 Placed on Select File 394

Feb. 8 E and R amendments adopted.
Advanced for Engrossment 429
Feb. 14 Barrett amendment printed.....492
Feb. 15 Returned to Select File for
Barrett pending amendment.
Barrett pending amendment adopted.
Advanced for Engrossment 512
Feb. 16 Correctly Engrossed.....552
Feb. 23 Final Reading 618
Feb. 23 Speaker signed 633
Feb. 24 Presented to Governor 634
Feb. 28 Approved by Governor (2-25) 677

LEGISLATIVE BILL 249 By Business and Labor Committee

Jan. 14 Read first time 175
Jan. 17 Referred to Committee on Business
and Labor 218
Jan. 18 Notice of hearing (1-26).....228
Jan. 28 Placed on General File.....329
Feb. 2 Committee amendment adopted.
Failed to advance for Review.....377
Feb. 15 Doyle and Barrett amendments lost.
Advanced for Review 519
Feb. 17 Placed on Select File 582
Feb. 23 Passed over.....621
Feb. 25 Hannibal amendment printed.....663
Mar. 21 Hefner amendment printed 1049

LEGISLATIVE BILL 250 By Fenger

Jan. 14 Read first time 176
Jan. 17 Referred to Committee on Urban Affairs 218
Feb. 9 Notice of hearing (2-16).....439

LEGISLATIVE BILL 251 By Fenger

Jan. 14 Read first time 176
Jan. 17 Referred to Committee on Miscellaneous
Subjects 218
Jan. 26 Notice of hearing (2-4).....307
Feb. 17 Placed on General File.....556
Mar. 15 Nichol priority bill.....962
Mar. 22 Fenger amendment printed.....1057

LEGISLATIVE BILL 251A By Fenger

Mar. 22 Read first time. Placed on General File.....1056

LEGISLATIVE BILL 252 By Schmit, DeCamp, R. Johnson, Hefner, Sieck, Pappas, Kahle

Jan. 14 Read first time 177
Jan. 17 Referred to Committee on Banking, Commerce and Insurance.....218
Jan. 31 Notice of hearing (2-8).....337
Feb. 10 Placed on General File.....461
Feb. 28 Schmit amendment printed.....693
Mar. 14 R. Johnson priority bill.....932
Mar. 15 Committee amendment adopted. Schmit pending amendment withdrawn. R. Johnson-Schmit amendment adopted. Advanced for Review 952
Mar. 17 R. Johnson-Schmit amendment printed 996
Mar. 21 Placed on Select File 1029
Mar. 23 E and R amendments adopted. Schmit amendment adopted. R. Johnson-Schmit pending amendment p. 996 adopted. Advanced for Engrossment 1087
Mar. 28 Correctly Engrossed. E and R change 1181
Apr. 6 Final Reading 1339
Apr. 6 Speaker signed 1340
Apr. 6 Presented to Governor 1342
Apr. 7 Correction.....1370
Apr. 13 Approved by Governor (4-12) 1492

LEGISLATIVE BILL 253 By Remmers

Jan. 14 Read first time 177
Jan. 17 Referred to Committee on Public Works.....218
Jan. 27 Rereferred to Committee on Banking, Commerce and Insurance.....315
Feb. 8 Notice of hearing (2-15).....426
Feb. 24 Remmers amendment printed.....656
Mar. 10 Placed on General File 881
Mar. 15 Nichol priority bill.....962
Apr. 18 Clark-DeCamp amendment printed.....1548
Apr. 27 Remmers amendment to committee amendment printed.....1808
Apr. 28 DeCamp amendment to committee amendment printed.....1843
May 2 Remmers pending amendment p. 1808 withdrawn. Remmers-Hoagland-

V. Johnson amendment to committee amendments lost. DeCamp pending amendment p. 1843 to committee amendments adopted 1884
May 2 Hoagland amendment to DeCamp amendment lost. Cullan amendment to committee amendments lost. Committee amendments adopted as amended. Remmers pending amendment p. 656 and Clark-DeCamp pending amendment p. 1548 withdrawn. Advanced for Review 1889
May 2 DeCamp name added.....1890
May 4 Placed on Select File 1973
May 10 E and R amendments adopted. Advanced for Engrossment 2167
May 12 Correctly Engrossed.....2254
May 18 Final Reading 2342
May 18 Speaker signed 2350
May 18 Presented to Governor 2356
May 23 Approved by Governor (5-23) 2464

LEGISLATIVE BILL 254 By Cullan

Jan. 14 Read first time 178
Jan. 17 Referred to Committee on Public Health and Welfare 218
Feb. 16 Notice of hearing (3-1).....550
Mar. 10 Placed on General File 893
Mar. 14 Public Health and Welfare Committee priority bill.....932
Mar. 16 Hefner name added 975
Apr. 27 Committee amendments adopted. Advanced for Review 1793
May 2 Placed on Select File 1880
May 3 E and R amendments adopted. Advanced for Engrossment 1918
May 5 Correctly Engrossed.....2015
May 11 Fenger amendment printed.....2191
May 16 Fenger pending amendment withdrawn.....2290
May 16 Returned to Select File for Cullan amendment 2291
May 16 Cullan pending amendment adopted. Advanced for Re-Engrossment 2292
May 18 Correctly Re-Engrossed.....2355
May 18 E and R change.....2356
May 23 Final Reading 2442

May 23 President signed 2445
May 23 Presented to Governor 2447
May 25 Approved by Governor (5-25) 2536

LEGISLATIVE BILL 254A By Cullan, Hefner

Mar. 18 Read first time. Placed on General File.....1021
Apr. 27 Advanced for Review.....1793
May 2 Placed on Select File 1881
May 3 Advanced for Engrossment.....1918
May 5 Correctly Engrossed.....2015
May 23 Final Reading 2443
May 23 President signed 2445
May 23 Presented to Governor 2447
May 25 Approved by Governor (5-25) 2536

LEGISLATIVE BILL 255 By Cullan, H. Peterson, Kahle, Goodrich

Jan. 14 Read first time 178
Jan. 17 Referred to Committee on Appropriations 218
Jan. 28 Notice of hearing (2-9).....329
Apr. 7 Placed on General File.....1372

LEGISLATIVE BILL 256 By Pappas, Morehead

Jan. 14 Read first time 178
Jan. 17 Referred to Committee on Education 218
Jan. 28 Notice of hearing (2-7).....327
Mar. 10 Placed on General File 905
Mar. 28 Hoagland amendment to committee amendment printed 1186

LEGISLATIVE BILL 257 By Pappas, Morehead

Jan. 14 Read first time 178
Jan. 17 Referred to Committee on Education 218
Jan. 28 Notice of hearing (2-7).....327
Feb. 11 Indefinitely postponed 485

LEGISLATIVE BILL 258 By Miscellaneous Subjects Committee

Jan. 14 Read first time 178
Jan. 17 Referred to Committee on Miscellaneous Subjects 218
Jan. 28 Notice of hearing (2-10).....329
Mar. 29 DeCamp amendment printed 1233

LEGISLATIVE BILL 259 By Miscellaneous Subjects Committee

Jan.	14	Read first time 180
Jan.	17	Referred to Committee on Miscellaneous Subjects 218
Jan.	28	Notice of hearing (2-10).....329
Mar.	14	V. Johnson priority bill 944
Mar.	15	Placed on General File 955
Mar.	29	Committee amendments adopted as amended by Pirsch. Haberman motion to rerefer withdrawn. Pirsch amendments to committee amendments lost 1228
Mar.	29	Pirsch amendment lost. Beyer amendment adopted. Advanced for Review 1234
Mar.	30	DeCamp amendment printed 1251
Mar.	30	Chambers amendment printed 1271
Apr.	5	Placed on Select File 1327
Apr.	18	Attorney General's Opinion 1546
May	19	E and R amendments adopted. DeCamp pending amendment p. 1251 withdrawn. Chambers pending amendment p. 1271 withdrawn. Fowler and Chambers amendments lost. V. Johnson and Chambers-Hoagland amendments adopted. Advanced for Engrossment 2396
May	19	DeCamp name added.....2406
May	20	Correction.....2408
May	23	Returned to Select File for Hefner amendment. Hefner amendment adopted. Advanced for Engrossment. Returned to Select File for V. Johnson amendment. V. Johnson amendment adopted. Advanced for Engrossment 2462
May	23	Correctly Engrossed. E and R change 2472
May	25	Nichol motion to suspend rules prevailed 2516
May	25	Final Reading 2523
May	25	President signed 2529
May	25	Presented to Governor 2530
June	2	Approved by Governor (5-26) 2546

LEGISLATIVE BILL 259A By Hefner

Mar.	29	Read first time. Placed on General File.....1227
Apr.	8	Advanced for Review.....1391
Apr.	13	Placed on Select File 1488
May	19	Advanced for Engrossment.....2399
May	23	Returned to Select File for V. Johnson

amendment. V. Johnson amendment adopted. Advanced for Engrossment 2462
May 23 Correctly Engrossed.....2472
May 25 Nichol motion to suspend rules prevailed 2516
May 25 Final Reading 2524
May 25 President signed 2529
May 25 Presented to Governor 2530
June 2 Approved by Governor (5-26) 2546

LEGISLATIVE BILL 260 By DeCamp

Jan. 14 Read first time 180
Jan. 17 Referred to Committee on Banking, Commerce and Insurance.....218
Jan. 31 Notice of hearing (2-14).....337
Mar. 10 Placed on General File 882

LEGISLATIVE BILL 261 By Goodrich

Jan. 14 Read first time 181
Jan. 17 Referred to Committee on Judiciary 218
Jan. 19 Notice of hearing (1-26).....265
Feb. 14 Indefinitely postponed 508

LEGISLATIVE BILL 262 By Goodrich

Jan. 14 Read first time 181
Jan. 17 Referred to Committee on Miscellaneous Subjects 218
Jan. 19 Notice of hearing (1-28).....249
Jan. 31 Placed on General File.....341
Feb. 4 Advanced for Review.....404
Feb. 8 Placed on Select File 438
Feb. 10 Advanced for Engrossment.....461
Feb. 15 Correctly Engrossed.....511
Feb. 22 Final Reading 598
Feb. 22 Speaker signed 604
Feb. 22 Presented to Governor 607
Feb. 25 Approved by Governor (2-24) 662

LEGISLATIVE BILL 263 By Goodrich

Jan. 14 Read first time 181
Jan. 17 Referred to Committee on Appropriations 218
Jan. 31 Notice of hearing (2-11).....347
Mar. 14 Placed on General File 937

Apr. 6 Warner motion to suspend rules lost 1341
Apr. 7 Committee amendment adopted.
Advanced for Review 1373
Apr. 11 Placed on Select File 1416
Apr. 14 E and R amendment adopted.
Advanced for Engrossment 1518
Apr. 19 Correctly Engrossed.....1600
Apr. 28 Final Reading 1815
Apr. 28 Speaker signed 1830
Apr. 28 Presented to Governor 1836
May 5 Approved by Governor (5-4) 1990

LEGISLATIVE BILL 263A By Goodrich

Mar. 25 Read first time. Placed on General File.....1179
Apr. 8 Goodrich motion to indefinitely
postpone prevailed 1391

LEGISLATIVE BILL 264 By Goodrich

Jan. 14 Read first time 181
Jan. 17 Referred to Committee on Appropriations.....218
Jan. 31 Notice of hearing (2-11).....347
Apr. 5 Placed on General File.....1312
Apr. 5 Morehead, Marsh, Kilgarin, Warner,
L. Johnson, Wagner, H. Peterson, and
Kahle names added 1317
Apr. 6 Warner motion to suspend rules lost 1341
Apr. 7 Committee amendment adopted.
Advanced for Review 1376
Apr. 13 Placed on Select File 1481
Apr. 14 E and R amendment adopted.
Advanced for Engrossment 1519
Apr. 19 Correctly Engrossed.....1600
Apr. 26 Final Reading 1742
Apr. 26 Speaker signed 1749
Apr. 26 Presented to Governor 1752
May 2 Approved by Governor (4-29) 1850

LEGISLATIVE BILL 265 By Goodrich

Jan. 14 Read first time 181
Jan. 17 Referred to Committee on Appropriations.....218
Jan. 31 Notice of hearing (2-11).....347
Apr. 5 Placed on General File.....1313
Apr. 5 Morehead, Marsh, Kilgarin, Warner,

L. Johnson, Wagner, H. Peterson, and Kahle names added 1317
Apr. 6 Warner motion to suspend rules lost 1341
Apr. 8 Committee amendment adopted. Advanced for Review 1399
Apr. 13 Placed on Select File 1491
Apr. 15 Warner amendment adopted. Advanced for Engrossment 1534
Apr. 21 Correctly Engrossed 1669
May 3 Final Reading 1897
May 3 Speaker signed 1907
May 3 Presented to Governor 1915
May 10 Approved by Governor (5-9) 2129

LEGISLATIVE BILL 266 By Goodrich

Jan. 14 Read first time 181
Jan. 17 Referred to Committee on Appropriations 218
Jan. 31 Notice of hearing (2-11) 347
Mar. 14 Placed on General File 937
Apr. 6 Warner motion to suspend rules lost 1341
Apr. 7 Committee amendment adopted. Advanced for Review 1373
Apr. 11 Placed on Select File 1416
Apr. 14 Advanced for Engrossment. E and R amendment adopted 1519
Apr. 19 Correctly Engrossed 1600
Apr. 28 Final Reading 1816
Apr. 28 President signed 1830
Apr. 28 Presented to Governor 1836
May 5 Approved by Governor (5-4) 1990

LEGISLATIVE BILL 266A By Goodrich

Mar. 25 Read first time. Placed on General File 1179
Apr. 8 Goodrich motion to indefinitely postpone prevailed 1391

LEGISLATIVE BILL 267 By Goodrich

Jan. 14 Read first time 182
Jan. 17 Referred to Committee on Appropriations 218
Jan. 31 Notice of hearing (2-11) 347
Apr. 5 Placed on General File 1314
Apr. 5 Morehead, Marsh, Kilgarin, Warner, L. Johnson, Wagner, H. Peterson, and

Kahle names added 1317
Apr. 6 Warner motion to suspend rules lost 1341
Apr. 8 Committee amendment adopted.
Advanced for Review 1402
Apr. 13 Placed on Select File 1491
Apr. 15 Advanced for Engrossment 1537
Apr. 21 Correctly Engrossed 1669
May 3 Final Reading 1898
May 3 Speaker signed 1907
May 3 Presented to Governor 1915
May 10 Approved by Governor (5-9) 2129

LEGISLATIVE BILL 268 By Goodrich

Jan. 14 Read first time 182
Jan. 17 Referred to Committee on Appropriations 218
Jan. 31 Notice of hearing (2-11) 347
Apr. 5 Placed on General File 1315
Apr. 5 Morehead, Marsh, Kilgarin, Warner,
L. Johnson, Wagner, H. Peterson, and
Kahle names added 1317
Apr. 6 Warner motion to suspend rules lost 1341
Apr. 7 Committee amendment adopted.
Advanced for Review 1376
Apr. 13 Placed on Select File 1481
Apr. 14 E and R amendment adopted.
Advanced for Engrossment 1519
Apr. 19 Correctly Engrossed 1600
Apr. 26 Final Reading 1743
Apr. 26 President signed 1749
Apr. 26 Presented to Governor 1752
May 2 Approved by Governor (4-29) 1850

LEGISLATIVE BILL 269 By Landis, Beutler, Chambers, Cullan, Schmit

Jan. 14 Read first time 182
Jan. 17 Referred to Committee on Judiciary 218
Jan. 31 Notice of hearing (2-15) 342
Feb. 28 Placed on General File 680
Mar. 2 Hoagland name added 715
Mar. 8 Cullan priority bill 837
Mar. 21 Advanced for Review 1041
Mar. 21 Hefner amendment printed 1051
Mar. 22 R. Johnson amendment printed 1078
Mar. 22 Haberman explanation of vote 1079

Mar. 23 Placed on Select File 1104
Mar. 24 Von Minden amendment printed 1128
Mar. 28 Hefner pending amendment p. 1051 pending. Von Minden pending amendment p. 1128 lost.....1194
Mar. 28 Hefner pending amendment p. 1051 lost. R. Johnson pending amendment p. 1078 withdrawn. R. Johnson amendment adopted. Kahle amendment to R. Johnson amendment lost. Haberman amendment lost. Advanced for Engrossment.....1197
Apr. 5 Correctly Engrossed.....1304
May 4 Chambers name withdrawn 1985
May 5 Goodrich name added 1987
May 16 Von Minden motion to return to Select File lost. Chambers point of order overruled. Hoagland-Cullan motion to suspend rules lost. Chambers motion lost.....2264
May 16 Chambers motion lost. Kahle motion to return to Select File lost 2270
May 16 Cullan-Hoagland motion to suspend rules prevailed. Final Reading 2276
May 16 Speaker signed 2300
May 17 Presented to Governor 2303
May 17 Approved by Governor (5-17) 2330
May 20 Attorney General's Opinion 2426

LEGISLATIVE BILL 269A By Cullan

Mar. 15 Read first time. Placed on General File.....958
Mar. 21 Failed to advance for Review 1042
Mar. 22 Haberman explanation of vote 1079
Apr. 11 Advanced for Review.....1419
Apr. 13 Placed on Select File 1498
Apr. 27 Cullan amendment adopted. Advanced for Engrossment 1787
May 2 Correctly Engrossed. E and R change 1887
May 16 Final Reading 2277

LEGISLATIVE BILL 270 By Law Enforcement and Justice Advisory Committee

Jan. 14 Read first time 182
Jan. 17 Referred to Committee on Judiciary 218
Jan. 19 Notice of hearing (1-31).....265

Feb. 17 Placed on General File....579
Mar. 14 Jacobson priority bill 932
Mar. 16 Committee amendments (1) and (2) adopted as amended by Sieck. Advanced for Review 972
Mar. 21 Placed on Select File 1030
Mar. 23 Advanced for Engrossment 1088
Mar. 28 Correctly Engrossed 1182
Apr. 6 Final Reading 1336
Apr. 6 Speaker signed 1340
Apr. 6 Presented to Governor 1342
Apr. 13 Approved by Governor (4-12) 1492

LEGISLATIVE BILL 271 By Judiciary Committee

Jan. 14 Read first time 182
Jan. 17 Referred to Committee on Appropriations....218
Jan. 31 Notice of hearing (2-11)....347
Mar. 14 Placed on General File 938
Apr. 6 Warner motion to suspend rules lost 1341
Apr. 8 Committee amendment adopted. Advanced for Review 1402
Apr. 13 Placed on Select File 1491
Mar. 23 E and R amendment adopted. Advanced for Engrossment 1538
Apr. 21 Correctly Engrossed....1669
May 16 Chambers motion to return to Select File pending. Chambers amendment ruled not germane 2283
May 16 Final Reading 2284
May 16 President signed 2300
May 16 Presented to Governor 2303
May 23 Approved by Governor (5-20) 2440

LEGISLATIVE BILL 272 By Judiciary Committee

Jan. 14 Read first time 182
Jan. 17 Referred to Committee on Judiciary 218
Jan. 31 Notice of hearing (2-15)....342
Feb. 17 Placed on General File....580
Mar. 14 Law Enforcement and Justice Advisory Committee priority bill....944
Mar. 31 Committee amendment adopted. Advanced for Review 1300
Apr. 8 Placed on Select File 1390
Apr. 12 Advanced for Engrossment....1453

Apr. 15 Correctly Engrossed.....1542
Apr. 20 Final Reading.....1629
Apr. 20 President signed.....1639
Apr. 20 Presented to Governor.....1650
Apr. 25 Approved by Governor (4-25).....1710

LEGISLATIVE BILL 273 By Higgins

Jan. 14 Read first time.....183
Jan. 17 Referred to Committee on Public Health and Welfare.....218
Feb. 10 Notice of hearing (2-22).....452
Mar. 2 Placed on General File.....723
Mar. 25 Committee amendments adopted. Advanced for Review.....1175
Apr. 5 Placed on Select File.....1306
Apr. 5 Hefner amendment printed.....1330
Apr. 6 Higgins amendments printed.....1350
Apr. 12 E and R amendment adopted. Higgins pending amendments adopted. Hefner pending amendment p. 1330 withdrawn. Hefner amendment (1) and (3) lost. Hefner amendment (2) adopted.....1477
Apr. 13 Higgins amendment printed.....1481
Apr. 14 Passed over.....1524
Apr. 15 Sieck amendment printed.....1529
Apr. 20 Newell amendment printed.....1653
Apr. 26 Higgins amendment printed.....1749
Apr. 27 Newell pending amendment p. 1653 adopted. Higgins pending amendment p. 1481 lost.....1783
Apr. 27 Sieck pending amendment (1) p. 1529 lost. Sieck pending amendment (2) p. 1529 withdrawn. Higgins pending amendment p. 1749 withdrawn. Wiitala and Hefner amendments adopted. Advanced for Engrossment.....1789
May 3 Wiitala amendment printed.....1913
May 3 Hefner amendment printed.....1923
May 11 Returned to Select File for Wiitala pending amendment p. 1913. Wiitala pending amendment adopted. Advanced for Engrossment.....2207
May 11 Hefner and Sieck motions to return to Select File lost.....2208
May 16 Correctly Engrossed.....2272

May 16 E and R change....2273
May 19 Final Reading....2386
May 19 President signed....2390
May 19 Presented to Governor....2391
May 23 Approved by Governor (5-23)....2464

LEGISLATIVE BILL 273A By Warner

Mar. 10 Read first time. Placed on General File....899
Mar. 25 Advanced for Review....1176
Apr. 5 Placed on Select File....1306
Apr. 14 Passed over....1525
Apr. 27 Warner amendment adopted.
Advanced for Engrossment....1790
May 16 Correctly Engrossed....2272
May 16 E and R change....2274
May 19 Final Reading....2386
May 19 President signed....2390
May 19 Presented to Governor....2391
May 23 Approved by Governor (5-23)....2464

LEGISLATIVE BILL 274 By Higgins

Jan. 14 Read first time....183
Jan. 17 Referred to Committee on Public
Health and Welfare....218
Jan. 18 Notice of hearing (1-25)....238
Jan. 27 Placed on General File....318
Feb. 1 Corrected committee amendment....354
Feb. 2 Committee amendment adopted.
Advanced for Review....376
Feb. 2 Hoagland amendment printed....378
Feb. 4 Placed on Select File....394
Feb. 8 E and R amendments adopted.
Laid over....425
Feb. 8 Hoagland pending amendment withdrawn.
Advanced for Engrossment....429
Feb. 10 Correctly Engrossed....463
Feb. 16 Final Reading....532
Feb. 16 President signed....539
Feb. 16 Presented to Governor....548
Feb. 22 Approved by Governor (2-18)....588

LEGISLATIVE BILL 275 By Wesely

Jan. 14 Read first time....183

Jan. 17 Referred to Committee on Public Health and Welfare....218
Feb. 10 Notice of hearing (2-23)....452
Mar. 2 Placed on General File....723

LEGISLATIVE BILL 276 By Hoagland, Marsh

Jan. 14 Read first time....183
Jan. 17 Referred to Committee on Judiciary....218
Jan. 31 Notice of hearing (2-9)....342
Mar. 9 Placed on General File....863

LEGISLATIVE BILL 277 By Judiciary Committee

Jan. 14 Read first time....183
Jan. 17 Referred to Committee on Judiciary....219
Jan. 19 Notice of hearing (1-31)....265
Feb. 11 Placed on General File....475
Mar. 4 Committee amendment adopted. Advanced for Review....778
Mar. 9 Placed on Select File....842
Mar. 14 E and R amendment adopted. Advanced for Engrossment....940
Mar. 17 Correctly Engrossed....979
Mar. 24 Final Reading....1109
Mar. 24 President signed....1123
Mar. 24 Presented to Governor....1133
Mar. 31 Approved by Governor (3-30)....1288

LEGISLATIVE BILL 278 By Landis

Jan. 14 Read first time....183
Jan. 17 Referred to Committee on Banking, Commerce and Insurance....219
Jan. 31 Notice of hearing (2-14)....337
Mar. 9 Placed on General File....867

LEGISLATIVE BILL 279 By Hefner

Jan. 14 Read first time....183
Jan. 17 Referred to Committee on Business and Labor....219
Jan. 26 Notice of hearing (2-2)....306
Feb. 4 Indefinitely postponed....397

LEGISLATIVE BILL 280 By Fowler, Wiitala

Jan. 14 Read first time 184
Jan. 17 Referred to Committee on Business and Labor 219
Jan. 28 Notice of hearing (2-16).....327

LEGISLATIVE BILL 281 By Chronister

Jan. 14 Read first time 184
Jan. 17 Referred to Committee on Urban Affairs 219
Feb. 2 Notice of hearing (2-9).....371
Feb. 11 Placed on General File.....484
Mar. 10 Committee amendments adopted.
Advanced for Review 888
Mar. 15 Placed on Select File 957
Mar. 17 E and R amendments adopted.
Advanced for Engrossment 1002
Mar. 22 Correctly Engrossed 1053
Mar. 28 Final Reading.....1190
Mar. 28 President signed.....1196
Mar. 28 Presented to Governor 1200
Mar. 31 Approved by Governor (3-30) 1288

LEGISLATIVE BILL 282 By Schmit

Jan. 14 Read first time 184
Jan. 17 Referred to Committee on Appropriations.....219
Jan. 31 Notice of hearing (2-22).....348
Feb. 23 Placed on General File.....622
Mar. 10 Advanced for Review 880
Mar. 15 Placed on Select File 956
Mar. 17 E and R amendment adopted.
Advanced for Engrossment 1001
Mar. 22 Correctly Engrossed 1053
Mar. 28 Final Reading.....1191
Mar. 28 President signed.....1196
Mar. 28 Presented to Governor 1200
Mar. 31 Approved by Governor (3-30) 1288

LEGISLATIVE BILL 282A By Schmit

Mar. 4 Read first time. Placed on General File.....786
Mar. 10 Advanced for Review 880
Mar. 15 Placed on Select File 956
Mar. 17 Advanced for Engrossment 1002
Mar. 22 Correctly Engrossed 1053
Mar. 22 E and R changes.....1054
Mar. 28 Final Reading.....1191

Mar. 28 President signed....1196
Mar. 28 Presented to Governor 1200
Mar. 31 Approved by Governor (3-30) 1288

LEGISLATIVE BILL 283 By V. Johnson, DeCamp

Jan. 14 Read first time 184
Jan. 17 Referred to Committee on Judiciary 219
Jan. 19 Notice of hearing (2-1)....265
Feb. 28 Placed on General File....680

LEGISLATIVE BILL 284 By Cullan, DeCamp

Jan. 14 Read first time 184
Jan. 17 Referred to Committee on Education 219
Feb. 7 Notice of hearing (3-14)....417
Feb. 25 Cullan amendment printed 666
Mar. 21 Placed on General File 1039

LEGISLATIVE BILL 285 By R. Peterson, Von Minden

Jan. 14 Read first time 184
Jan. 17 Referred to Committee on Business and Labor 219
Jan. 26 Notice of hearing (2-2)....306
May 19 Indefinitely postponed 2370

LEGISLATIVE BILL 286 By Education Committee

Jan. 14 Read first time 185
Jan. 17 Referred to Committee on Education 219
Feb. 7 Notice of hearing (3-1)....417
Mar. 21 Placed on General File 1040

LEGISLATIVE BILL 286A By Vickers

Mar. 28 Read first time. Placed on General File....1209

LEGISLATIVE BILL 287 By Education Committee

Jan. 14 Read first time 185
Jan. 17 Referred to Committee on Revenue....219
Jan. 19 Rereferred to Committee on Education....278
Feb. 7 Notice of hearing (2-22)....417
Mar. 10 Placed on General File 906
Mar. 14 Education Committee priority bill....943

LEGISLATIVE BILL 288 By Education Committee

Jan. 14 Read first time 185
Jan. 17 Referred to Committee on Education 219
Feb. 7 Notice of hearing (2-22).....416

LEGISLATIVE BILL 289 By Education Committee

Jan. 14 Read first time 186
Jan. 17 Referred to Committee on Education 219
Feb. 7 Notice of hearing (2-28).....417
Mar. 21 Indefinitely postponed 1035

LEGISLATIVE BILL 290 By Education Committee

Jan. 14 Read first time 186
Jan. 17 Referred to Committee on Education 219
Feb. 7 Notice of hearing (3-7).....417
Apr. 12 Placed on General File.....1460

LEGISLATIVE BILL 291 By Morehead

Jan. 14 Read first time 186
Jan. 17 Referred to Committee on Urban Affairs 219
Jan. 17 Remmers name added 220
Jan. 19 Barrett name added 247
Jan. 26 Notice of hearing (2-2).....309
Feb. 4 Placed on General File.....395
Feb. 11 Advanced for Review.....483
Feb. 15 Placed on Select File 511
Feb. 22 E and R amendment adopted.
Advanced for Engrossment 613
Feb. 24 Correctly Engrossed. E and R change 652
Mar. 2 Final Reading.....711
Mar. 2 President signed.....716
Mar. 3 Presented to Governor 729
Mar. 8 Approved by Governor (3-7) 819

LEGISLATIVE BILL 292 By Hefner

Jan. 14 Read first time 186
Jan. 17 Referred to Committee on Business and Labor 219
Jan. 28 Notice of hearing (3-2).....327
May 19 Indefinitely postponed 2370

LEGISLATIVE BILL 293 By Lamb, Sieck, Carsten, DeCamp

Jan. 14 Read first time 186
Jan. 17 Referred to Committee on Constitutional Revision and Recreation.....219
Jan. 27 Notice of hearing (2-10).....315

LEGISLATIVE BILL 294 By Lamb, Sieck, Carsten, DeCamp

Jan. 14 Read first time 187
Jan. 17 Referred to Committee on Constitutional Revision and Recreation.....219
Jan. 18 Chronister, Von Minden, Jacobson, Sieck, H. Peterson, R. Peterson names added 236
Jan. 27 Notice of hearing (2-10).....316

LEGISLATIVE BILL 295 By Wesely

Jan. 14 Read first time 189
Jan. 17 Referred to Committee on Miscellaneous Subjects 219
Feb. 2 Notice of hearing (2-17).....375

LEGISLATIVE BILL 296 By Hoagland

Jan. 14 Read first time 190
Jan. 17 Referred to Committee on Education 219
Jan. 28 Notice of hearing (2-7).....327
Mar. 18 Placed on General File 1021

LEGISLATIVE BILL 297 By DeCamp, Hefner, Cullan, Schmit, Pappas, Clark, Remmers, Wagner

Jan. 14 Read first time 190
Jan. 17 Referred to Committee on Public Works.....219
Jan. 26 Notice of hearing (2-10).....305
Mar. 15 Nichol priority bill.....962
Mar. 16 Placed on General File 971
Mar. 18 DeCamp amendment printed.....1020
Apr. 6 Attorney General's Opinion 1356
May 18 Attorney General's Opinion 2354

LEGISLATIVE BILL 298 By DeCamp, Haberman, Clark, Labedz, Schmit, Beyer

Jan. 14 Read first time 190
Jan. 17 Referred to Committee on Banking, Commerce and Insurance.....219

Jan. 31 Notice of hearing (2-7).....337
Feb. 10 Placed on General File.....461
Feb. 17 Advanced for Review.....558
Feb. 22 Placed on Select File 587
Feb. 23 Advanced for Engrossment.....621
Feb. 25 Correctly Engrossed.....667
Mar. 3 Final Reading.....745
Mar. 3 Speaker signed 757
Mar. 4 Presented to Governor 767
Mar. 10 Approved by Governor (3-9) 888

LEGISLATIVE BILL 299 By Banking, Commerce and Insurance Committee

Jan. 14 Read first time 190
Jan. 17 Referred to Committee on Banking, Commerce and Insurance.....219
Jan. 31 Notice of hearing (2-7).....337
Feb. 11 Placed on General File.....489
Mar. 10 Committee amendment adopted. Advanced for Review 891
Mar. 15 Placed on Select File 957
Mar. 17 E and R amendment adopted. Advanced for Engrossment 1002
Mar. 22 Correctly Engrossed 1053
Mar. 28 Final Reading.....1192
Mar. 28 President signed.....1196
Mar. 28 Presented to Governor 1200
Mar. 31 Approved by Governor (3-30) 1288

LEGISLATIVE BILL 300 By Banking, Commerce and Insurance Committee

Jan. 14 Read first time 190
Jan. 17 Referred to Committee on Banking, Commerce and Insurance.....219
Jan. 31 Notice of hearing (2-14).....337
Mar. 10 Placed on General File 882

LEGISLATIVE BILL 301 By Banking, Commerce and Insurance Committee

Jan. 14 Read first time 191
Jan. 17 Referred to Committee on Banking, Commerce and Insurance.....219
Jan. 31 Notice of hearing (2-7).....337

Feb. 10 Placed on General File....461
Feb. 17 Advanced for Review....558
Feb. 22 Placed on Select File....587
Feb. 23 Advanced for Engrossment....621
Feb. 25 Correctly Engrossed....667
Mar. 3 Final Reading....746
Mar. 3 Speaker signed....757
Mar. 4 Presented to Governor....767
Mar. 10 Approved by Governor (3-9)....888

LEGISLATIVE BILL 302 By Revenue Committee

Jan. 14 Read first time....191
Jan. 17 Referred to Committee on Revenue. Sieck name added....219
Jan. 18 Notice of hearing (1-25)....234
Feb. 17 Placed on General File....575
Mar. 10 Committee amendment adopted. Advanced for Review....898
Mar. 16 Placed on Select File....967
Mar. 17 E and R amendment adopted. Passed over....1003
Mar. 22 Carsten amendment printed....1067
Mar. 22 V. Johnson amendment printed....1078
Mar. 23 Carsten pending amendment p. 1067 adopted. V. Johnson pending amendment p. 1078 adopted. Advanced for Engrossment....1091
Mar. 29 Correctly Engrossed....1225
Mar. 29 E and R change....1226
May 12 Final Reading....2233
May 12 President signed....2247
May 12 Presented to Governor....2253
May 17 Approved by Governor (5-17)....2330

LEGISLATIVE BILL 302A By Carsten

Mar. 10 Read first time. Placed on General File....892
Mar. 21 Advanced for Review....1034
Mar. 23 Placed on Select File....1089
Mar. 28 Advanced for Engrossment....1207
Mar. 30 Carsten amendment printed....1280
Apr. 5 Correctly Engrossed....1304
Apr. 15 Returned to Select File for Carsten pending amendment. Carsten pending amendment adopted. Advanced for Re-Engrossment....1532
Apr. 20 Correctly Re-Engrossed....1644
May 12 Final Reading....2234

May 12 President signed 2247
May 12 Presented to Governor 2253
May 17 Approved by Governor (5-17) 2330

LEGISLATIVE BILL 303 By Urban Affairs Committee

Jan. 17 Read first time 196
Jan. 18 Referred to Committee on Urban Affairs 239
Jan. 19 Notice of hearing (1-26).....285
Jan. 28 Placed on General File.....331
Feb. 25 Newell amendment adopted.
Advanced for Review 663
Mar. 1 Placed on Select File 699
Mar. 9 E and R amendment adopted.
Advanced for Engrossment 850
Mar. 14 Correctly Engrossed 915
Mar. 17 Final Reading.....984
Mar. 17 Speaker signed 993
Mar. 17 Presented to Governor 1004
Mar. 24 Approved by Governor (3-23) 1108

LEGISLATIVE BILL 304 By Urban Affairs Committee

Jan. 17 Read first time 196
Jan. 18 Referred to Committee on Urban Affairs 239
Jan. 19 Notice of hearing (1-26).....284
Feb. 23 Placed on General File.....615
Mar. 15 Urban Affairs Committee priority bill 946
Mar. 29 Newell amendment to committee
amendment printed.....1242
Mar. 30 Committee amendment adopted as amended
by Newell pending amendment. Vickers
amendment adopted. Advanced for Review 1277
Apr. 6 Placed on Select File 1347
Apr. 12 E and R amendments adopted.
Advanced for Engrossment 1448
Apr. 15 Correctly Engrossed.....1528
Apr. 15 E and R change.....1529
Apr. 21 Final Reading 1663
Apr. 21 President signed 1670
Apr. 25 Presented to Governor 1690
Apr. 28 Approved by Governor (4-27) 1814

LEGISLATIVE BILL 305 By Marsh

Jan. 17 Read first time 197

Jan. 18 Referred to Committee on Public Works....239
Jan. 24 Notice of hearing (2-4)....291
Jan. 26 Carsten name added....309
Jan. 27 Marsh amendment printed....319
Feb. 28 Indefinitely postponed....684

LEGISLATIVE BILL 306 By Marsh

Jan. 17 Read first time....197
Jan. 18 Referred to Committee on Judiciary....239
Jan. 31 Notice of hearing (2-23)....343
Feb. 9 Rereferred to Committee on Public Health and Welfare....448
Feb. 11 Notice of hearing (cancelled)....476
Feb. 11 Marsh amendments printed....488
Feb. 24 Notice of hearing (3-8) (reset)....655
Mar. 10 Marsh priority bill....892
Mar. 14 Placed on General File....941
Mar. 28 Committee amendment adopted. Advanced for Review....1209
Apr. 5 Placed on Select File....1325
Apr. 8 Marsh pending amendments withdrawn. Advanced for Engrossment....1408
Apr. 14 Correctly Engrossed. E and R change....1521
Apr. 20 Final Reading....1627
Apr. 20 President signed....1639
Apr. 20 Presented to Governor....1650
Apr. 25 Approved by Governor (4-25)....1710

LEGISLATIVE BILL 307 By Hefner

Jan. 17 Read first time....197
Jan. 18 Referred to Committee on Judiciary....239
Jan. 19 Carsten name added....284
Jan. 26 Carsten name withdrawn....309
Jan. 31 Notice of hearing (2-16)....342
Feb. 23 Indefinitely postponed....632

LEGISLATIVE BILL 308 By Abboud

Jan. 17 Read first time....197
Jan. 18 Referred to Committee on Urban Affairs....239
Feb. 2 Notice of hearing (2-9)....371
Feb. 24 Placed on General File....647
Mar. 14 Abboud priority bill....944
Mar. 18 Newell amendment printed....1016

Mar. 21 Committee amendment adopted. Abboud amendment adopted. Newell pending amendment p. 1016 withdrawn. Newell amendment lost. Advanced for Review 1037
Mar. 23 Placed on Select File 1104
Mar. 28 E and R amendment adopted. Advanced for Engrossment 1194
Apr. 5 Correctly Engrossed.....1304
Apr. 8 Final Reading 1395
Apr. 8 President signed 1399
Apr. 8 Presented to Governor 1414
Apr. 13 Approved by Governor (4-12) 1493

LEGISLATIVE BILL 309 By Barrett

Jan. 17 Read first time 197
Jan. 18 Referred to Committee on Public Works.....239
Jan. 26 Notice of hearing (2-10).....305
Mar. 9 Placed on General File 847
Mar. 14 Barrett priority bill 932
Mar. 24 Committee amendment adopted. Advanced for Review 1129
Mar. 28 Placed on Select File 1194
Mar. 30 Advanced for Engrossment 1259
Apr. 6 Correctly Engrossed.....1335
Apr. 12 Final Reading 1440
Apr. 12 President signed 1449
Apr. 12 Presented to Governor 1450
Apr. 18 Approved by Governor (4-18) 1581

LEGISLATIVE BILL 310 By Remmers

Jan. 17 Read first time 197
Jan. 18 Referred to Committee on Urban Affairs 239
Feb. 9 Notice of hearing (2-16).....439
Feb. 23 Placed on General File.....615
Mar. 4 Advanced for Review 776
Mar. 8 Placed on Select File 814
Mar. 9 Advanced for Engrossment 850
Mar. 14 Correctly Engrossed 915
Mar. 17 Final Reading.....985
Mar. 17 Speaker signed 993
Mar. 17 Presented to Governor 1004
Mar. 24 Approved by Governor (3-23) 1108

LEGISLATIVE BILL 311 By Goll

Jan. 17 Read first time 197
Jan. 18 Referred to Committee on Government, Military and Veterans Affairs 239
Jan. 26 Notice of hearing (2-10).....306
Feb. 14 Indefinitely postponed 508

LEGISLATIVE BILL 312 By Hoagland

Jan. 17 Read first time 198
Jan. 18 Referred to Committee on Judiciary 239
Feb. 11 Notice of hearing (2-28).....476
Apr. 11 Placed on General File.....1430

LEGISLATIVE BILL 313 By Fowler

Jan. 17 Read first time 198
Jan. 18 Referred to Committee on Nebraska Retirement Systems.....239
Jan. 24 Notice of hearing (2-8).....292
Feb. 11 Placed on General File.....479
Mar. 4 Advanced for Review 776
Mar. 8 Placed on Select File 814
Mar. 9 Advanced for Engrossment 850
Mar. 14 Correctly Engrossed. E and R change.....915
Mar. 17 Final Reading.....985
Mar. 17 Speaker signed 993
Mar. 17 Presented to Governor 1004
Mar. 24 Approved by Governor (3-23) 1108

LEGISLATIVE BILL 314 By R. Peterson, Higgins

Jan. 17 Read first time 198
Jan. 18 Referred to Committee on Public Health and Welfare.....239
Jan. 28 Notice of hearing (2-8).....327

LEGISLATIVE BILL 315 By Beutler

Jan. 17 Read first time 198
Jan. 18 Referred to Committee on Government, Military and Veterans Affairs 239
Jan. 26 Notice of hearing (2-4).....306
Feb. 14 Indefinitely postponed 508

LEGISLATIVE BILL 316 By Beutler, Cullan

Jan. 17 Read first time 198
Jan. 18 Referred to Committee on Public Works.....239
Feb. 7 Notice of hearing (2-25).....410
Mar. 24 Indefinitely postponed 1138

LEGISLATIVE BILL 317 By Beutler

Jan. 17 Read first time 198
Jan. 18 Referred to Committee on Revenue.....239
Feb. 22 Notice of hearing (3-15).....602
Mar. 23 Indefinitely postponed 1100

LEGISLATIVE BILL 318 By Beutler

Jan. 17 Read first time 199
Jan. 18 Referred to Committee on Judiciary 239
Jan. 31 Notice of hearing (2-16).....342
Feb. 23 Placed on General File.....630

LEGISLATIVE BILL 319 By Beyer

Jan. 17 Read first time 199
Jan. 17 Sieck name added.....219
Jan. 18 Notice of hearing (1-28).....222
Jan. 19 Referred to Committee on Public Works.....278
Feb. 7 Placed on General File.....417
Feb. 22 DeCamp amendment printed 602
Mar. 9 Committee amendment (1) adopted. Committee amendment (2) lost as amended by Wesely. DeCamp pending amendment p. 602 withdrawn. Advanced for Review 853
Mar. 14 Beyer amendment printed.....916
Mar. 16 Schmit-Wesely-DeCamp-Labedz amendment printed.....968
Mar. 17 Placed on Select File 1004
Mar. 18 E and R amendments adopted. Beyer pending amendment p. 916 withdrawn. Beutler name added to Wesely et al pending amendment p. 968. Vickers amendment to Wesely et al pending amendment lost. Wesely et al pending amendment adopted. V. Johnson amendment lost. Newell motion to return to committee lost. Wiitala-Cullan motion to indefinitely postpone withdrawn.

Passed over 1014
Apr. 5 Attorney General's Opinion 1310
Apr. 12 Barrett amendment lost.
Advanced for Engrossment 1467
Apr. 18 Correctly Engrossed 1580
Apr. 18 E and R change 1581
Apr. 26 V. Johnson motion to return to Select
File withdrawn. Final Reading 1737
Apr. 26 Speaker signed 1749
Apr. 26 Presented to Governor 1752
May 3 Approved by Governor (5-2) 1896

LEGISLATIVE BILL 320 By Beutler

Jan. 17 Read first time 199
Jan. 18 Referred to Committee on Judiciary 239
Feb. 11 Notice of hearing (2-22) 473
Feb. 23 Indefinitely postponed 632

LEGISLATIVE BILL 321 By Newell

Jan. 17 Read first time 199
Jan. 18 Referred to Committee on Nebraska
Retirement Systems 239
Jan. 24 Notice of hearing (1-31) 292
May 6 Placed on General File 2083

LEGISLATIVE BILL 322 By R. Johnson

Jan. 17 Read first time 199
Jan. 18 Referred to Committee on Revenue 239
Feb. 22 Notice of hearing (3-15) 603
Mar. 14 R. Johnson amendment printed 940
Mar. 17 Indefinitely postponed 993

LEGISLATIVE BILL 323 By Marsh, Fowler, Kilgarin

Jan. 17 Read first time 199
Jan. 18 Referred to Committee on Public
Health and Welfare 239
Jan. 27 Wiitala name added 319
Feb. 16 Notice of hearing (2-28) 550
Mar. 7 Indefinitely postponed 805

LEGISLATIVE BILL 324 By Wesely

Jan. 17 Read first time 200
Jan. 18 Referred to Committee on Banking, Commerce and Insurance.....239
Feb. 8 Notice of hearing (2-22).....426
Mar. 10 Placed on General File 881

LEGISLATIVE BILL 325 By Higgins, Beutler, Chronister

Jan. 17 Read first time 200
Jan. 18 Referred to Committee on Government, Military and Veterans Affairs 239
Jan. 26 Notice of hearing (2-4).....306
Mar. 4 Placed on General File 783
Mar. 14 Beutler priority bill 932
Mar. 21 Committee amendment adopted. Newell motion to indefinitely postpone prevailed.....1045
Mar. 22 Fowler motion to reconsider laid over.....1074
Mar. 22 Haberman explanation of vote 1079
Mar. 29 Fowler pending motion p. 1074 lost.....1224

LEGISLATIVE BILL 326 By Schmit

Jan. 17 Read first time 200
Jan. 18 Referred to Committee on Public Works.....239
Jan. 26 Notice of hearing (2-9).....305
Feb. 23 Placed on General File.....616
Mar. 25 Committee amendments adopted. Advanced for Review 1164
Mar. 28 Schmit amendment printed.....1195
Mar. 30 Placed on Select File 1247
Apr. 14 E and R amendment adopted. Schmit pending amendment p. 1195 lost. Beutler amendment adopted. Advanced for Engrossment 1524
Apr. 15 Correction.....1528
Apr. 20 Correctly Engrossed. E and R change 1632
Apr. 21 Schmit amendment printed.....1679
Apr. 27 Returned to Select File for Schmit pending amendment. Schmit pending amendment adopted. Advanced for Re-Engrossment 1776
May 3 Correctly Re-Engrossed.....1901
May 6 Final Reading 2045
May 6 Speaker signed 2064
May 6 Presented to Governor 2065
May 12 Approved by Governor (5-12) 2251

LEGISLATIVE BILL 327 By Schmit

Jan.	17	Read first time	200
Jan.	18	Referred to Committee on Public Works	239
Jan.	26	Notice of hearing (2-11)	305
Mar.	14	Placed on General File	933
Mar.	14	Public Works Committee priority bill	944
Apr.	27	Committee amendments adopted. Advanced for Review	1806
May	3	Placed on Select File	1895
May	10	E and R amendments adopted. Advanced for Engrossment	2158
May	12	Correctly Engrossed	2225
May	18	Final Reading	2342
May	18	Speaker signed	2350
May	18	Presented to Governor	2356
May	23	Approved by Governor (5-23)	2464

LEGISLATIVE BILL 328 By Goodrich

Jan.	17	Read first time	200
Jan.	18	Referred to Committee on Education	240
Jan.	28	Notice of hearing (2-8)	328
Mar.	21	Indefinitely postponed	1035

LEGISLATIVE BILL 329 By Goodrich

Jan.	17	Read first time	200
Jan.	18	Referred to Committee on Judiciary	240
Jan.	31	Notice of hearing (2-22)	342
Feb.	23	Placed on General File	630
Mar.	4	Advanced for Review	776
Mar.	8	Placed on Select File	814
Mar.	9	Advanced for Engrossment	850
Mar.	14	Correctly Engrossed	915
Mar.	17	Final Reading	986
Mar.	17	Speaker signed	993
Mar.	17	Presented to Governor	1004
Mar.	24	Approved by Governor (3-23)	1108

LEGISLATIVE BILL 330 By Goodrich

Jan.	17	Read first time	201
Jan.	18	Referred to Committee on Judiciary	240
Jan.	31	Notice of hearing (2-22)	342
Mar.	14	Goodrich priority bill	944

Mar. 23 Indefinitely postponed 1101

LEGISLATIVE BILL 331 By Goodrich

Jan. 17 Read first time 202
Jan. 18 Doyle, Abboud, Hoagland, Newell, Hannibal, Wiitala, Pirsch, Labedz, and Kilgarin names added 222
Jan. 18 Beyer name added 238
Jan. 18 Referred to Committee on Education 240
Jan. 28 Notice of hearing (2-8).....327

LEGISLATIVE BILL 332 By Goodrich

Jan. 17 Read first time 202
Jan. 18 Referred to Committee on Education 240
Jan. 24 Notice of hearing (2-1).....287
Apr. 12 Indefinitely postponed 1461

LEGISLATIVE BILL 333 By Goodrich

Jan. 17 Read first time 202
Jan. 18 Referred to Committee on Education 240
Jan. 28 Notice of hearing (2-7).....327
Feb. 22 Placed on General File.....600

LEGISLATIVE BILL 334 By Goodrich

Jan. 17 Read first time 202
Jan. 18 Referred to Committee on Judiciary 240
Jan. 31 Notice of hearing (2-22).....342
Mar. 4 Indefinitely postponed 775

LEGISLATIVE BILL 335 By Abboud

Jan. 17 Read first time 203
Jan. 18 Referred to Committee on Public Works.....240
Jan. 26 Notice of hearing (2-11).....305
Feb. 23 Indefinitely postponed 617

LEGISLATIVE BILL 336 By DeCamp, Kilgarin, Pappas

Jan. 17 Read first time 203
Jan. 18 Referred to Committee on Miscellaneous Subjects 240
Jan. 28 Notice of hearing (3-3).....330

Mar. 10 Attorney General's Opinion 899
Mar. 14 Pappas priority bill 932
Mar. 18 Attorney General's Opinion 1007
Mar. 29 DeCamp amendment printed 1232
Mar. 30 Placed on General File 1273
Mar. 31 Special Order 1299
Apr. 5 Announcement 1331
Apr. 12 Hefner amendments printed 1461
Apr. 14 DeCamp amendment printed 1515
Apr. 15 Vickers amendment to committee amendment printed 1536
Apr. 15 Pappas amendment printed 1539
Apr. 18 Attorney General's Opinion 1546
Apr. 18 DeCamp amendment printed 1585
Apr. 19 Vickers pending amendment p. 1536 lost. Committee amendment adopted. DeCamp pending amendment p. 1232 withdrawn. Hefner pending amendment p. 1461 (1) adopted 1602
Apr. 19 Hefner pending amendment p. 1461 (2) adopted. Beutler-Wesely-Hoagland amendment lost. DeCamp pending amendment p. 1515 withdrawn. Pappas pending amendment p. 1539 withdrawn. DeCamp pending amendment p. 1585 lost as amended by Kilgarin. Abboud amendment lost 1605
Apr. 19 H. Peterson-Hoagland motion to indefinitely postpone laid over 1612
Apr. 19 Chambers amendments printed 1614
Apr. 21 Hoagland-Lamb-H. Peterson-Beutler amendment printed 1685
Apr. 25 H. Peterson-Hoagland pending motion p. 1612 lost. Hoagland et al pending amendment p. 1685 lost 1720
Apr. 25 Chambers amendment adopted. Chambers pending amendments p. 1614 adopted. DeCamp and Hoagland amendments adopted. Beutler amendment lost. Advanced for Review 1724
Apr. 26 White copy printed 1764
Apr. 27 Pappas amendment printed 1776
Apr. 27 Beutler amendment printed 1792
Apr. 28 Placed on Select File 1838
May 3 E and R amendments adopted. Pappas

pending amendment p. 1776 and Beutler pending amendment p. 1792 withdrawn. Passed over 1917
May 4 V. Johnson amendment to Beutler-Pappas amendment printed 1974
May 9 Beutler-Pappas amendment pending. Hoagland amendment to Beutler-Pappas amendment lost 2113
May 9 V. Johnson pending amendment p. 1974 lost. Hoagland, Goodrich, and Chambers amendments to Beutler-Pappas amendment p. 2113 lost. DeCamp amendment to Beutler-Pappas amendment withdrawn. Haberman motion to reconsider Goodrich amendment withdrawn. V. Johnson amendment to Beutler-Pappas amendment adopted 2116
May 9 Chambers amendment to Beutler-Pappas amendment pending 2127
May 10 Correction....2129
May 10 Goodrich amendments to Beutler-Pappas amendment printed....2156
May 11 Hoagland amendments to Beutler-Pappas amendment printed....2186
May 12 Hoagland amendment printed 2255
May 17 Goodrich pending amendments p. 2156 and Hoagland pending amendment p. 2255 withdrawn. Hoagland amendment to Beutler-Pappas amendment adopted. Chambers pending amendment p. 2127 withdrawn. Chambers amendments lost. Carsten motion to reconsider Hoagland amendment withdrawn. Hoagland amendment to Beutler-Pappas amendment lost. Hoagland pending amendments p. 2186 withdrawn. Carsten amendment to Beutler-Pappas amendment adopted. Kilgarin-Rupp motion to reconsider Hoagland amendment p. 2305 prevailed. Point of order 2305
May 17 Hoagland pending amendment p. 2305 lost. Beutler-Pappas pending amendment p. 2113 adopted as amended. Chambers motion to indefinitely postpone pending 2317
May 17 Chambers pending motion prevailed....2321
May 18 Wesely motion to reconsider laid over 2365
May 24 Wesely pending motion to reconsider

prevailed.....2510

LEGISLATIVE BILL 336A By DeCamp

May 3 Read first time. Placed on General File.....1923
May 10 Advanced for Review.....2143
May 11 Placed on Select File 2185

LEGISLATIVE BILL 337 By Vickers

Jan. 17 Read first time 203
Jan. 18 Referred to Committee on Education 240
Jan. 28 Vickers motion to withdraw laid over 330
Jan. 31 Vickers pending motion prevailed.
Withdrawn.....340

LEGISLATIVE BILL 338 By Wesely

Jan. 17 Read first time 203
Jan. 18 Referred to Committee on Government,
Military and Veterans Affairs 240
Jan. 26 Notice of hearing (2-11).....306
Feb. 11 Attorney General's Opinion 468
Feb. 17 Placed on General File.....560
Feb. 28 Wesely amendment printed.....692

LEGISLATIVE BILL 339 By DeCamp

Jan. 17 Read first time 203
Jan. 18 Referred to Committee on Agriculture
and Environment 240
Jan. 25 Haberman name added 301
Jan. 28 Von Minden name added.....330
Feb. 3 Notice of hearing (2-10).....387
Feb. 9 Attorney General's Opinion 445
Mar. 22 Indefinitely postponed 1065

LEGISLATIVE BILL 340 By DeCamp

Jan. 17 Read first time 204
Jan. 18 Referred to Committee on Banking,
Commerce and Insurance.....240
Jan. 31 Notice of hearing (2-14).....337

LEGISLATIVE BILL 341 By Vickers, Wiitala

Jan. 17 Read first time 204
Jan. 18 Referred to Committee on Education 240
Feb. 7 Notice of hearing (2-22).....417
Mar. 4 Placed on General File 775
Mar. 9 Vickers priority bill 867

LEGISLATIVE BILL 341A By Vickers

Mar. 14 Read first time. Placed on General File.....937

LEGISLATIVE BILL 342 By DeCamp

Jan. 17 Read first time 204
Jan. 18 Haberman name added 238
Jan. 18 Referred to Committee on Public Works.....240
Jan. 26 Notice of hearing (2-11).....305
Mar. 9 Placed on General File 855

LEGISLATIVE BILL 343 By DeCamp

Jan. 17 Read first time 204
Jan. 18 Referred to Committee on Banking, Commerce and Insurance.....240
Jan. 31 Notice of hearing (2-14).....337
Feb. 24 Notice of hearing (3-3) (rehearing).....649
Feb. 28 DeCamp amendment printed 684
Mar. 9 Remmers name added 842
Mar. 9 Clark priority bill.....867
Mar. 10 Placed on General File 882
Mar. 31 Remmers amendment to committee amendments printed 1294
Apr. 12 DeCamp amendment to committee amendments printed 1469
Apr. 12 Remmers amendment printed.....1475
Apr. 13 Remmers pending amendment p. 1294 withdrawn. Committee amendments adopted as amended by DeCamp pending amendment p. 1469. Remmers pending amendment p. 1475 withdrawn. Remmers amendment to committee amendments lost. DeCamp pending amendment p. 684 withdrawn. Advanced for Review.....1500
Apr. 18 Placed on Select File 1564
Apr. 27 E and R amendment adopted. DeCamp-Remmers-Carsten-Sieck-Clark-Vickers amendment adopted. Advanced for Engrossment 1780

Apr. 27 Remmers, Carsten, Sieck, Vickers, Clark, Schmit, Haberman, L. Johnson, and H. Peterson names added.....1785
May 3 Correctly Engrossed. E and R change 1928
May 4 DeCamp-Clark-Remmers-Vickers-Sieck amendment printed.....1980
May 5 Sieck-Carsten-Vickers amendment printed.....2010
May 16 DeCamp et al pending amendment p. 1980 withdrawn. Sieck-Carsten-Vickers motion to return to Select File for pending amendment p. 2010 withdrawn. Final Reading 2287
May 16 Speaker signed 2300
May 17 Presented to Governor 2303
May 23 Approved by Governor (5-20) 2440

LEGISLATIVE BILL 343A By DeCamp

Mar. 30 Read first time. Placed on General File.....1279
Apr. 13 Advanced for Review.....1501
Apr. 18 Placed on Select File 1565
Apr. 27 DeCamp amendment adopted. Advanced for Engrossment 1783
May 3 Correctly Engrossed. E and R change 1928
May 16 Final Reading.....2288
May 16 Speaker signed 2300
May 17 Presented to Governor 2303
May 23 Approved by Governor (5-20) 2440

LEGISLATIVE BILL 344 By DeCamp

Jan. 17 Read first time 204
Jan. 18 Referred to Committee on Revenue.....240
Jan. 31 Notice of hearing (2-7).....352
Feb. 16 Placed on General File.....543
Mar. 14 DeCamp priority bill.....944
Mar. 15 Newell amendment to committee amendment lost. Committee amendments adopted. Failed to advance for Review.....959
Mar. 30 DeCamp amendment printed.....1254
Apr. 21 DeCamp amendment printed 1688
Apr. 26 DeCamp pending amendments p. 1254 and p. 1688 adopted. Chambers motion to indefinitely postpone pending 1751
Apr. 26 Chambers pending motion withdrawn. Passed over 1752

LEGISLATIVE BILL 344A By DeCamp

Mar. 10 Read first time. Placed on General File.....889

LEGISLATIVE BILL 345 By DeCamp

Jan. 17 Read first time 204
Jan. 18 Referred to Committee on Revenue.....240
Feb. 17 Notice of hearing (3-7).....573
Mar. 14 Indefinitely postponed 942

LEGISLATIVE BILL 346 By DeCamp

Jan. 17 Read first time 204
Jan. 18 Referred to Committee on Revenue.....240
Jan. 24 Notice of hearing (1-31).....287
Feb. 11 Indefinitely postponed 468

LEGISLATIVE BILL 347 By DeCamp, Kilgarin, Pappas

Jan. 17 Read first time 205
Jan. 18 Referred to Committee on Miscellaneous Subjects 240
Jan. 28 Notice of hearing (3-3).....330
Mar. 21 Indefinitely postponed 1039

LEGISLATIVE BILL 348 By DeCamp

Jan. 17 Read first time 205
Jan. 18 Referred to Committee on Public Works.....240
Jan. 26 Notice of hearing (2-11).....306
Mar. 9 Placed on General File 847
Mar. 14 Public Works Committee priority bill 944
Mar. 31 Passed over.....1293

LEGISLATIVE BILL 349 By DeCamp, Schmit

Jan. 17 Read first time 205
Jan. 18 Referred to Committee on Government, Military and Veterans Affairs 240
Jan. 26 Notice of hearing (2-11).....306
Feb. 14 Indefinitely postponed 508

LEGISLATIVE BILL 350 By Vickers

Jan. 17 Read first time 205

Jan. 18 Referred to Committee on Public Works.....240
Jan. 26 Notice of hearing (2-11).....306
Feb. 15 L. Johnson name added 519
Feb. 23 Placed on General File.....616
Mar. 25 Committee amendment adopted. Advanced for Review 1164
Mar. 25 Hoagland name added 1169
Mar. 30 Placed on Select File 1247
Apr. 8 Vickers-Hoagland-Haberman amendment printed 1414
Apr. 14 Vickers-Hoagland-Haberman pending amendment adopted. Advanced for Engrossment 1524
Apr. 20 Correctly Engrossed. E and R change 1632
Apr. 28 Final Reading 1820
Apr. 28 Higgins explanation of vote 1828
Apr. 28 President signed 1830
Apr. 28 Presented to Governor 1836
May 5 Approved by Governor (5-4) 1990

LEGISLATIVE BILL 351 By DeCamp, Eret

Jan. 17 Read first time 205
Jan. 18 Referred to Committee on Judiciary 240
Feb. 11 Notice of hearing (3-7).....477
Mar. 16 Indefinitely postponed 974

LEGISLATIVE BILL 352 By Goodrich

Jan. 17 Read first time 205
Jan. 18 Referred to Committee on Government, Military and Veterans Affairs 240
Jan. 26 Notice of hearing (2-11).....307
Feb. 14 Indefinitely postponed 508

LEGISLATIVE BILL 353 By Cullan

Jan. 17 Read first time 206
Jan. 18 Referred to Committee on Revenue.....240
Feb. 22 Notice of hearing (3-15).....603
Mar. 17 Placed on General File 993
Mar. 25 Advanced for Review 1161
Mar. 29 Placed on Select File 1236
Mar. 30 Vickers name added.....1253
Mar. 30 Advanced for Engrossment 1276
Apr. 8 Correctly Engrossed.....1411
Apr. 18 Final Reading 1556

Apr. 18 President signed 1568
Apr. 18 Presented to Governor 1569
Apr. 25 Approved by Governor (4-22) 1691

LEGISLATIVE BILL 354 By Cullan

Jan. 17 Read first time 206
Jan. 18 Referred to Committee on Appropriations 240
Jan. 31 Notice of hearing (2-22) 348

LEGISLATIVE BILL 355 By Cullan

Jan. 17 Read first time 206
Jan. 18 Referred to Committee on Judiciary 240
Jan. 31 Notice of hearing (2-8) 342

LEGISLATIVE BILL 356 By Cullan

Jan. 17 Read first time 206
Jan. 18 Referred to Committee on Agriculture and Environment 240
Feb. 15 Notice of hearing (2-24) 516
Mar. 8 Administrative Rules and Regulations Review priority bill 837
Mar. 15 Nichol priority bill 962
Mar. 25 Placed on General File 1170
Mar. 31 Special Order 1299
Apr. 5 Announcement 1331
Apr. 7 Committee amendment adopted as amended by Cullan and DeCamp. Advanced for Review 1380
Apr. 13 Placed on Select File 1485
Apr. 25 Cullan amendment printed 1713
Apr. 27 E and R amendments adopted. Cullan pending amendment adopted. Advanced for Engrossment 1780
May 3 Correctly Engrossed. E and R change 1913
May 5 Haberman amendment printed 2033
May 6 Attorney General's Opinion 2050
May 9 Haberman pending amendment p. 2033 withdrawn 2114
May 18 Returned to Select File for Haberman reoffered amendment p. 2033. Haberman pending amendment adopted. Advanced for Re-Engrossment. Returned to Select File for Beutler amendment. Beutler

amendment adopted. Advanced for Re-Engrossment. Returned to Select File Beutler amendment. Beutler amendment adopted. Advanced for Re-Engrossment 2343
May 19 Correctly Re-Engrossed.....2404
May 24 Final Reading 2485
May 24 President signed 2493
May 24 Presented to Governor 2498
May 25 Approved by Governor (5-25) 2536

LEGISLATIVE BILL 356A By Cullan

Apr. 20 Read first time. Placed on General File 1650
May 2 Advanced for Review.....1854
May 4 Placed on Select File 1972
May 10 Advanced for Engrossment.....2168
May 12 Correctly Engrossed.....2258
May 24 Final Reading 2486
May 24 President signed 2493
May 24 Presented to Governor 2498
May 25 Approved by Governor (5-25) 2536

LEGISLATIVE BILL 357 By Nebraska Retirement Systems Committee

Jan. 17 Read first time 206
Jan. 18 Referred to Committee on Nebraska Retirement Systems.....240
Jan. 26 Notice of hearing (2-24).....306
Mar. 18 Indefinitely postponed 1024

LEGISLATIVE BILL 358 By Higgins

Jan. 17 Read first time 206
Jan. 18 Referred to Committee on Judiciary 240
Feb. 11 Notice of hearing (2-28).....476
Mar. 7 Attorney General's Opinion 791
Mar. 30 Indefinitely postponed 1263

LEGISLATIVE BILL 359 By Kilgarin, Fenger, Pirsch

Jan. 17 Read first time 206
Jan. 18 Referred to Committee on Urban Affairs 240
Feb. 16 Notice of hearing (2-23).....525

LEGISLATIVE BILL 360 By DeCamp

Jan. 17 Read first time 207
Jan. 18 Referred to Committee on Judiciary 240
Jan. 27 Rereferred to Committee on Banking, Commerce and Insurance.....315
Feb. 8 Notice of hearing (2-15).....426
Mar. 9 Placed on General File 867

LEGISLATIVE BILL 361 By Kilgarin

Jan. 17 Read first time 207
Jan. 18 Referred to Committee on Judiciary 240
Jan. 31 Notice of hearing (2-16).....342
Feb. 23 Indefinitely postponed 632

LEGISLATIVE BILL 362 By Hannibal

Jan. 17 Read first time 207
Jan. 18 Referred to Committee on Urban Affairs 240
Feb. 16 Notice of hearing (2-23).....525
Feb. 28 Placed on General File.....691
Mar. 14 Hannibal priority bill 943
Mar. 21 Committee amendments adopted. Advanced for Review 1042
Mar. 23 Placed on Select File 1104
Mar. 28 E and R amendment adopted. Advanced for Engrossment 1207
Apr. 5 Correctly Engrossed.....1304
Apr. 8 Final Reading 1396
Apr. 8 President signed 1399
Apr. 8 Presented to Governor 1414
Apr. 13 Approved by Governor (4-12) 1493

LEGISLATIVE BILL 363 By Newell, Morehead

Jan. 17 Read first time 207
Jan. 18 Referred to Committee on Revenue.....240
Feb. 7 Notice of hearing (2-14).....410
Feb. 22 Placed on General File.....606
Mar. 14 Morehead priority bill.....932
Mar. 16 Pending.....976
Mar. 21 Advanced for Review 1035
Mar. 23 Placed on Select File 1104
Apr. 20 Attorney General's Opinion 1636
May 5 Newell amendment lost. Advanced for Engrossment 2012
May 5 Kilgarin, Wiitala, Chambers names

added 2014
May 6 DeCamp, Goodrich, Jacobson, R. Johnson, V. Johnson, Remmers, Withem, Beutler, Landis, Fowler, Rupp, Schmit, Nichol, Haberman, Pirsch names added 2039
May 6 Expedited 2073
May 9 Hoagland name added....2098
May 9 Correctly Engrossed....2099
May 10 Chambers name withdrawn 2131
May 10 Labedz amendment printed 2149
May 12 Labedz and Fenger motions to return to Select File lost 2219
May 12 Chambers motion to recommit lost 2220
May 12 Final Reading 2221
May 12 President signed 2232
May 12 Presented to Governor 2242
May 17 Approved by Governor (5-17) 2313
May 17 Letter....2314

LEGISLATIVE BILL 364 By Carsten

Jan. 17 Read first time 207
Jan. 18 Referred to Committee on Revenue....240
Jan. 24 Notice of hearing (2-1)....287

LEGISLATIVE BILL 365 By Hefner, Von Minden

Jan. 17 Read first time 207
Jan. 18 Referred to Committee on Revenue....240
Jan. 31 Notice of hearing (2-8)....352
Feb. 16 Placed on General File....544
Feb. 28 Hefner-Von Minden amendment printed....681
Mar. 4 R. Johnson name added 787
Mar. 10 Goll's priority bill....892
Mar. 14 Committee amendment adopted. Hefner-Von Minden pending amendment adopted. Advanced for Review 942
Mar. 16 Placed on Select File 968
Mar. 17 E and R amendment adopted. Advanced for Engrossment 995
Mar. 21 Correctly Engrossed 1051
Mar. 24 Final Reading....1114
Mar. 24 President signed....1123
Mar. 24 Presented to Governor 1133
Mar. 31 Approved by Governor (3-30) 1288

LEGISLATIVE BILL 366 By R. Johnson

Jan.	17	Read first time 208
Jan.	18	Referred to Committee on Public Works.....240
Feb.	3	Notice of hearing (2-16).....380
Feb.	23	Placed on General File.....616
Mar.	25	R. Johnson amendment printed.....1158
Mar.	25	Committee amendment rejected. Advanced for Review 1169
Mar.	30	Placed on Select File 1247
Apr.	12	R. Johnson pending amendment p. 1158 adopted. Advanced for Engrossment 1474
Apr.	18	Correctly Engrossed.....1580
Apr.	26	Final Reading 1738
Apr.	26	Speaker signed 1749
Apr.	26	Presented to Governor 1752
May	2	Approved by Governor (4-29) 1850

LEGISLATIVE BILL 367 By Government, Military and Veterans Affairs Committee

Jan.	17	Read first time 208
Jan.	18	Referred to Committee on Public Health and Welfare.....240
Jan.	24	Notice of hearing (1-31).....286
Feb.	2	Placed on General File.....372
Feb.	8	Advanced for Review.....432
Feb.	11	Placed on Select File 479
Feb.	15	Advanced for Engrossment.....513
Feb.	17	Correctly Engrossed.....561
Feb.	24	Final Reading 644
Feb.	24	Speaker signed 659
Feb.	25	Correction.....662
Feb.	25	Presented to Governor 663
Mar.	2	Approved by Governor (3-2) 717

LEGISLATIVE BILL 368 By Government, Military and Veterans Affairs Committee

Jan.	17	Read first time 208
Jan.	18	Referred to Committee on Urban Affairs 240
Feb.	9	Notice of hearing (2-16).....439
Feb.	23	Placed on General File.....615

LEGISLATIVE BILL 369 By Government, Military and Veterans Affairs Committee

Jan.	17	Read first time 208
Jan.	18	Referred to Committee on Government, Military and Veterans Affairs 240
Jan.	26	Notice of hearing (2-17).....307
Mar.	4	Placed on General File 783
Mar.	25	Committee amendment adopted. Advanced for Review 1180
Apr.	5	Placed on Select File 1306
Apr.	6	E and R amendments adopted. Advanced for Engrossment 1367
Apr.	13	Correctly Engrossed.....1503
Apr.	20	Final Reading 1626
Apr.	20	President signed 1639
Apr.	20	Presented to Governor 1650
Apr.	25	Approved by Governor (4-25) 1710

LEGISLATIVE BILL 370 By Landis

Jan.	17	Read first time 208
Jan.	18	Referred to Committee on Urban Affairs 240
Jan.	27	Rereferred to Committee on Government, Military and Veterans Affairs 315
Jan.	28	Notice of hearing (3-3).....326
Mar.	9	Placed on General File 851
Mar.	14	Government, Military and Veterans Affairs Committee priority bill 944
Apr.	27	Committee amendment adopted. Advanced for Review 1792
Apr.	27	Hoagland-Pappas-Morehead amendment printed 1804
May	2	Placed on Select File 1852
May	3	E and R amendment adopted. Hoagland et al pending amendment withdrawn. Advanced for Engrossment 1918
May	5	Correctly Engrossed.....2015
May	11	Landis-Vickers-L. Johnson-Morehead amendment printed.....2215
May	20	Returned to Select File for Landis et al pending amendment. Landis et al pending amendment adopted. Advanced for Re-Engrossment 2431
May	23	Correctly Re-Engrossed.....2448
May	23	E and R change.....2473
May	25	Nichol motion to suspend rules prevailed 2516
May	25	Final Reading 2525
May	25	President signed 2529

May 25 Presented to Governor 2530
June 2 Approved by Governor (5-26) 2546

LEGISLATIVE BILL 371 By Schmit, Marsh, Morehead, Wesely, Wiitala, Higgins, Labedz, Haberman, Kilgarin, Hoagland

Jan. 17 Read first time 209
Jan. 18 Referred to Committee on Judiciary 240
Jan. 31 Notice of hearing (2-9).....342
Mar. 2 Placed on General File 717
Mar. 15 Nichol priority bill.....962
Mar. 17 Hoagland amendment printed 1005
Mar. 23 DeCamp name added 1084
Mar. 25 Labedz-Haberman-Wiitala-DeCamp-Hoagland-Wesely-Schmit-Marsh-Morehead-Higgins-Kilgarin amendment printed.....1153
Mar. 31 Labedz et al pending amendment p. 1153 to committee amendments (1), (2), (3), and (4) pending. Passed over 1297
Apr. 5 Haberman et al pending amendment p. 1153 withdrawn. Labedz pending amendments (1), (2), (3), and (4) p . 1297 withdrawn. Labedz amendments adopted 1321
Apr. 7 Labedz amendment adopted. Hoagland pending amendment p. 1005 adopted. Committee amendments adopted as amended. Beutler amendment adopted. Advanced for Review 1386
Apr. 8 Schmit amendment printed.....1393
Apr. 13 Placed on Select File 1486
Apr. 13 Newell-V. Johnson-DeCamp amendment printed ..1494
Apr. 14 E and R amendments adopted. Hoagland reoffered amendment p. 1005 withdrawn. Schmit and Newell-V. Johnson-DeCamp pending amendments withdrawn. Schmit amendments adopted. Advanced for Engrossment 1522
Apr. 15 Correction.....1528
Apr. 20 Correctly Engrossed. E and R change 1632
Apr. 20 Attorney General's Opinion 1635
Apr. 26 Attorney General's Opinion 1732
Apr. 26 Attorney General's Opinion 1759
May 2 Newell amendment printed.....1863
May 9 Schmit amendment printed.....2115

May 11 Newell pending amendment p. 1863 withdrawn. Returned to Select File for Newell amendment. Newell amendment adopted. Advanced for Re-Engrossment. Hoagland motion to return to Select File lost. Returned to Select File for Schmit pending amendment p. 2115. Schmit pending amendment adopted. Advanced for Re-Engrossment. Hoagland motion to return to Select File lost. Returned to Select File for Beutler amendment. Beutler amendment adopted. Newell amendment adopted. Advanced for Re-Engrossment 2197
May 11 Returned to Select File for Schmit amendment. Schmit amendment adopted. Advanced for Re-Engrossment. Returned to Select File for Newell amendment. Newell amendment adopted. Advanced for Re-Engrossment 2211
May 16 Correctly Re-Engrossed.....2272
May 16 E and R change.....2274
May 18 Attorney General's Opinion 2336
May 19 Final Reading 2388
May 19 President signed 2390
May 19 Presented to Governor 2391
May 23 Approved by Governor (5-23) 2464

LEGISLATIVE BILL 371A By Schmit

Mar. 10 Read first time. Placed on General File.....907
Apr. 7 Advanced for Review.....1387
Apr. 13 Placed on Select File 1487
Apr. 14 Advanced for Engrossment.....1524
Apr. 20 Correctly Engrossed.....1632
May 19 Passed over.....2389
May 20 Attorney General's Opinion 2420

LEGISLATIVE BILL 372 By Landis

Jan. 17 Read first time 209
Jan. 18 Referred to Committee on Revenue.....240
Feb. 17 Notice of hearing (3-1).....573
Mar. 10 Placed on General File 880

LEGISLATIVE BILL 372A By Landis

Mar. 29 Read first time. Placed on General File.....1244

LEGISLATIVE BILL 373 By Judiciary Committee

Jan. 17 Read first time 209
Jan. 18 Referred to Committee on Judiciary 240
Feb. 11 Notice of hearing (3-1).....476
Mar. 4 Placed on General File 775
Apr. 25 Attorney General's Opinion 1696

LEGISLATIVE BILL 374 By Judiciary Committee

Jan. 17 Read first time 209
Jan. 18 Referred to Committee on Judiciary 240
Jan. 31 Notice of hearing (2-7).....342
Feb. 11 Placed on General File.....476
Mar. 7 Chambers amendment printed.....795
Mar. 10 Committee amendments adopted.
Advanced for Review 887
Mar. 15 Placed on Select File 956
Mar. 17 E and R amendment adopted. Passed over.....1002
Mar. 18 Chambers pending amendment p. 795
lost as amended by Schmit.
Advanced for Engrossment 1013
Mar. 21 Chambers amendment printed.....1043
Mar. 23 Correctly Engrossed 1083
Mar. 29 Chambers motion to return to Select File ruled not germane. Motion to overrule Chair prevailed. Chambers motion to return to Select File lost 1216
Mar. 29 Final Reading.....1217
Mar. 29 President signed.....1225
Mar. 29 Presented to Governor 1230
Apr. 5 Approved by Governor (4-4) 1307

LEGISLATIVE BILL 375 By Chronister

Jan. 17 Read first time 209
Jan. 18 Referred to Committee on Public Works.....240
Jan. 26 Notice of hearing (2-9).....305
Feb. 22 Placed on General File.....601
Mar. 25 Advanced for Review 1157
Mar. 29 Placed on Select File 1211
Apr. 6 Advanced for Engrossment.....1366
Apr. 12 Correctly Engrossed.....1451

Apr. 20 Final Reading 1623
Apr. 20 President signed. Haberman explanation of vote 1639
Apr. 20 Presented to Governor 1650
Apr. 25 Approved by Governor (4-25) 1710

LEGISLATIVE BILL 376 By Kilgarin, Wiitala

Jan. 17 Read first time 210
Jan. 18 Referred to Committee on Business and Labor 241
Jan. 26 Notice of hearing (2-9).....306
Feb. 22 Indefinitely postponed 595

LEGISLATIVE BILL 377 By Chambers

Jan. 17 Read first time 210
Jan. 18 Referred to Committee on Judiciary 241
Jan. 31 Notice of hearing (2-23).....342
Mar. 4 Placed on General File 775

LEGISLATIVE BILL 378 By Public Works Committee

Jan. 17 Read first time 214
Jan. 18 Referred to Committee on Public Works.....241
Feb. 7 Notice of hearing (2-25).....410
Mar. 8 Placed on General File 819
Mar. 10 Advanced for Review 881
Mar. 15 Placed on Select File 956
Mar. 17 Advanced for Engrossment 1002
Mar. 22 Correctly Engrossed 1053
Mar. 28 Final Reading.....1193
Mar. 28 President signed.....1196
Mar. 28 Presented to Governor 1200
Mar. 31 Approved by Governor (3-30) 1288

LEGISLATIVE BILL 379 By Public Works Committee

Jan. 17 Read first time 214
Jan. 18 Referred to Committee on Public Works.....241
Feb. 7 Notice of hearing (2-25).....410

LEGISLATIVE BILL 380 By Public Works Committee

Jan. 17 Read first time 214
Jan. 18 Referred to Committee on Public Works.....241
Feb. 7 Notice of hearing (2-23).....410

Feb. 25 Placed on General File....663
Mar. 4 Advanced for Review....777
Mar. 8 Placed on Select File....814
Mar. 9 Advanced for Engrossment....850
Mar. 14 Correctly Engrossed....915
Mar. 17 Final Reading....987
Mar. 17 President signed....993
Mar. 17 Presented to Governor....1004
Mar. 24 Approved by Governor (3-23)....1108

LEGISLATIVE BILL 381 By DeCamp, Hoagland, Wesely

Jan. 17 Read first time....214
Jan. 18 Doyle name added....222
Jan. 18 Referred to Committee on Public Works....241
Feb. 7 Notice of hearing (2-23)....410
Mar. 2 Hoagland amendments printed....726

LEGISLATIVE BILL 382 By Remmers

Jan. 17 Read first time....214
Jan. 18 Referred to Committee on Banking, Commerce and Insurance....241
Jan. 31 Notice of hearing (2-7)....337
Feb. 10 Placed on General File....461
Feb. 17 Advanced for Review....559
Feb. 22 Placed on Select File....587
Feb. 23 E and R amendment adopted. Advanced for Engrossment....621
Feb. 25 Correctly Engrossed....675
Mar. 3 Final Reading....746
Mar. 3 Speaker signed....757
Mar. 4 Presented to Governor....767
Mar. 10 Approved by Governor (3-9)....888

LEGISLATIVE BILL 383 By Hefner

Jan. 17 Read first time....215
Jan. 18 Referred to Committee on Government, Military and Veterans Affairs....241
Jan. 26 Notice of hearing (2-4)....306
Feb. 7 Placed on General File....416
Feb. 17 Advanced for Review....558
Feb. 22 Placed on Select File....587
Feb. 23 Advanced for Engrossment....621
Feb. 25 Correctly Engrossed....667

Mar. 3 Final Reading 747
Mar. 3 President signed 757
Mar. 4 Presented to Governor 767
Mar. 7 Approved by Governor (3-4) 788

LEGISLATIVE BILL 384 By Newell

Jan. 17 Read first time 215
Jan. 18 Referred to Committee on Government, Military and Veterans Affairs 241
Jan. 26 Notice of hearing (2-17) 307
Mar. 1 Indefinitely postponed 704

LEGISLATIVE BILL 385 By Lamb, Sieck, Vickers

Jan. 17 Read first time 215
Jan. 18 Referred to Committee on Education 241
Feb. 7 Notice of hearing (3-8) 417

LEGISLATIVE BILL 386 By Carsten

Jan. 17 Read first time 215
Jan. 18 Referred to Committee on Urban Affairs 241
Feb. 23 Notice of hearing (3-2) 614

LEGISLATIVE BILL 387 By DeCamp

Jan. 17 Read first time 215
Jan. 18 Referred to Committee on Education 241
Feb. 7 Notice of hearing (3-1) 417
Feb. 24 DeCamp amendment printed 646
Mar. 21 Indefinitely postponed 1035

LEGISLATIVE BILL 388 By Wiitala

Jan. 17 Read first time 215
Jan. 18 Referred to Committee on Education 241
Feb. 7 Notice of hearing (3-1) 417
Mar. 18 Placed on General File 1022
Apr. 25 Committee amendments adopted. Advanced for Review 1715
Apr. 28 Placed on Select File 1811
May 10 Advanced for Engrossment 2167
May 12 Correctly Engrossed 2254
May 18 Passed over 2344

LEGISLATIVE BILL 389 By Wiitala, Kilgarin

Jan. 17 Read first time 216
Jan. 18 Referred to Committee on Public Health and Welfare....241
Feb. 24 Notice of hearing (3-7)....654
Mar. 14 Indefinitely postponed 942

LEGISLATIVE BILL 390 By DeCamp

Jan. 17 Read first time 216
Jan. 18 Referred to Committee on Banking, Commerce and Insurance....241
Jan. 31 Notice of hearing (2-14)....337

LEGISLATIVE BILL 391 By H. Peterson

Jan. 17 Read first time 216
Jan. 18 Referred to Committee on Revenue....241
Jan. 24 Notice of hearing (1-31)....287
Feb. 16 Placed on General File....544
Mar. 10 Committee amendments adopted. Advanced for Review 898
Mar. 15 Placed on Select File 958
Mar. 17 Carsten amendment printed 993
Mar. 17 Passed over....1003
Mar. 18 Carsten pending amendment p. 994 adopted. Advanced for Engrossment 1014
Mar. 23 Correctly Engrossed 1101
Mar. 23 E and R change 1102
Mar. 29 Final Reading....1218
Mar. 29 President signed....1225
Mar. 29 Presented to Governor 1230
Apr. 5 Approved by Governor (4-4) 1307

LEGISLATIVE BILL 392 By Pappas, Barrett

Jan. 17 Read first time 216
Jan. 18 Referred to Committee on Judiciary 241
Feb. 11 Notice of hearing (3-2)....477
Mar. 30 Indefinitely postponed 1263

LEGISLATIVE BILL 393 By Hefner, Schmit

Jan. 17 Read first time 216
Jan. 18 Referred to Committee on Agriculture

and Environment 241
Feb. 3 Notice of hearing (2-11).....387
Mar. 1 Placed on General File 703
Mar. 14 Hefner priority bill 932
Mar. 21 Committee amendment adopted.
Advanced for Review 1044
Mar. 23 Placed on Select File 1104
Mar. 28 Advanced for Engrossment 1207
Apr. 5 Correctly Engrossed.....1304
Apr. 8 Vickers motion to return to Select File withdrawn. Final Reading 1397
Apr. 8 President signed 1399
Apr. 8 Presented to Governor 1414
Apr. 13 Approved by Governor (4-12) 1493

LEGISLATIVE BILL 394 By Kahle, L. Johnson, Sieck, H. Peterson, Remmers, Von Minden, Chronister

Jan. 17 Read first time 216
Jan. 18 Referred to Committee on Judiciary 241
Jan. 31 Notice of hearing (2-14).....342
Apr. 25 Placed on General File.....1707

LEGISLATIVE BILL 395 By Revenue Committee

Jan. 17 Read first time 217
Jan. 18 Referred to Committee on Revenue 241
Feb. 7 Notice of hearing (2-14).....410
Feb. 22 Placed on General File.....607
Mar. 15 Nichol priority bill.....962
Mar. 17 Fenger amendment printed.....993
Mar. 28 Lamb amendments printed.....1201
Mar. 29 Correction 1211
Mar. 31 Special Order 1299
Apr. 5 Announcement.....1331
Apr. 7 Passed over.....1382
Apr. 25 Carsten amendment printed 1719
May 2 Passed over.....1883
May 12 DeCamp amendment printed 2242

LEGISLATIVE BILL 396 By Revenue Committee

Jan. 17 Read first time 217
Jan. 18 Referred to Committee on Revenue 241
Jan. 31 Notice of hearing (2-8).....352
Feb. 16 Placed on General File.....542

Mar. 7 Carsten amendment printed 802
Mar. 15 Nichol priority bill 962
Mar. 31 Carsten pending amendment p. 802 adopted. Advanced for Review 1294
Apr. 6 Warner motion to suspend rules lost 1341
Apr. 7 V. Johnson amendment printed 1370
Apr. 8 Placed on Select File 1390
Apr. 12 E and R amendments adopted. V. Johnson pending amendment p. 1370 lost. DeCamp motion to indefinitely postpone laid over 1452
Apr. 14 DeCamp pending motion lost. V. Johnson motion to bracket withdrawn. Advanced for Engrossment 1517
Apr. 19 Correctly Engrossed 1600
Apr. 26 V. Johnson motion to return to Select File withdrawn. Newell motion to bracket lost. DeCamp motion to return to Select File withdrawn 1747
Apr. 26 Final Reading 1748
Apr. 27 Correctly Enrolled 1767
Apr. 27 President signed 1773
Apr. 27 Presented to Governor 1776
May 3 Approved by Governor (5-2) 1896

LEGISLATIVE BILL 397 By Schmit

Jan. 17 Read first time 217
Jan. 18 Referred to Committee on Public Works 241
Jan. 26 Notice of hearing (2-9) 305
Feb. 22 Placed on General File 601
Mar. 25 Committee amendment adopted. Advanced for Review 1163
Mar. 29 Placed on Select File 1236
Mar. 30 E and R amendments adopted. Advanced for Engrossment 1277
Apr. 8 Correctly Engrossed 1411
Apr. 8 E and R change 1412
Apr. 18 Final Reading 1557
Apr. 18 President signed 1568
Apr. 18 Presented to Governor 1569
Apr. 25 Approved by Governor (4-22) 1691

LEGISLATIVE BILL 398 By Schmit

Jan. 17 Read first time 217

Jan. 18 Referred to Committee on Appropriations 241
Jan. 31 Notice of hearing (3-4) 350

LEGISLATIVE BILL 399 By Schmit

Jan. 17 Read first time 220
Jan. 18 Referred to Committee on Judiciary 241
Feb. 11 Notice of hearing (3-9) 477
Feb. 16 Room change 550
Mar. 16 Indefinitely postponed 974

LEGISLATIVE BILL 400 By Higgins

Jan. 18 Read first time 222
Jan. 19 Referred to Committee on Public Health and Welfare 278
Feb. 10 Notice of hearing (2-22) 452
Feb. 28 Placed on General File 692
Mar. 25 Advanced for Review 1157
Mar. 29 Placed on Select File 1211
Mar. 30 Advanced for Engrossment 1265
Apr. 8 Correctly Engrossed 1411
Apr. 18 Final Reading 1558
Apr. 18 President signed 1567
Apr. 18 Presented to Governor 1569
Apr. 25 Approved by Governor (4-22) 1691

LEGISLATIVE BILL 401 By Higgins

Jan. 18 Read first time 222
Jan. 19 Referred to Committee on Public Health and Welfare 278
Jan. 24 Notice of hearing (1-31) 286
Feb. 2 Placed on General File 372
Feb. 8 Advanced for Review 432
Feb. 11 Placed on Select File 479
Feb. 15 Advanced for Engrossment 513
Feb. 17 Correctly Engrossed 561
Feb. 24 Final Reading 644
Feb. 24 Speaker signed 659
Feb. 25 Correction 662
Feb. 25 Presented to Governor 663
Mar. 2 Approved by Governor (3-2) 717

LEGISLATIVE BILL 402 By Goll

Jan. 18 Read first time 223
Jan. 19 Referred to Committee on Business and Labor 278
Jan. 27 Goll motion to withdraw laid over 319
Jan. 28 Goll pending motion prevailed. Withdrawn 331

LEGISLATIVE BILL 403 By Rupp

Jan. 18 Read first time 223
Jan. 19 Referred to Committee on Judiciary 278
Feb. 11 Notice of hearing (3-14).....477
Mar. 18 Placed on General File 1025

LEGISLATIVE BILL 403A By Rupp

Mar. 24 Read first time. Placed on General File.....1128

LEGISLATIVE BILL 404 By Cullan

Jan. 18 Read first time 223
Jan. 19 Referred to Committee on Revenue.....278
Feb. 7 Notice of hearing (2-15).....411
Feb. 14 Cullan amendments printed 499
Feb. 23 Indefinitely postponed 623

LEGISLATIVE BILL 405 By Cullan

Jan. 18 Read first time 223
Jan. 19 Referred to Committee on Judiciary 278
Feb. 11 Notice of hearing (3-1).....476
Mar. 18 Placed on General File 1026

LEGISLATIVE BILL 406 By Warner

Jan. 18 Read first time 223
Jan. 19 Referred to Committee on Public Works.....278
Feb. 3 Notice of hearing (2-17).....380
Feb. 25 Placed on General File.....663
Mar. 4 Advanced for Review 777
Mar. 8 Placed on Select File 814
Mar. 9 Advanced for Engrossment 850
Mar. 14 Correctly Engrossed 915
Mar. 17 Final Reading.....988
Mar. 17 Speaker signed 993
Mar. 17 Presented to Governor 1004
Mar. 24 Approved by Governor (3-23) 1108

LEGISLATIVE BILL 407 By Warner

Jan. 18 Read first time 223
Jan. 19 Referred to Committee on Miscellaneous Subjects 278
Feb. 4 Notice of hearing (3-4)....403
Mar. 8 Placed on General File 823

LEGISLATIVE BILL 408 By Warner

Jan. 18 Read first time 224
Jan. 19 Referred to Committee on Miscellaneous Subjects 278
Feb. 4 Notice of hearing (3-4)....403
Mar. 8 Placed on General File 823
Apr. 15 Special Order 1539
Apr. 21 Committee amendment adopted. Warner amendments adopted. Advanced for Review 1680
Apr. 26 Placed on Select File 1755
Apr. 28 Wesely amendment printed 1828
May 11 E and R amendment adopted. Wesely pending amendment adopted. Advanced for Engrossment 2216
May 12 Wesely name added 2222
May 16 Correctly Engrossed....2272
May 16 E and R change....2274
May 19 Returned to Select File for Warner amendment. Warner amendment adopted. Advanced for Re-Engrossment 2389
May 19 Correctly Re-Engrossed....2404
May 24 Final Reading 2487
May 24 President signed 2493
May 24 Presented to Governor 2498
May 25 Approved by Governor (5-25) 2536

LEGISLATIVE BILL 409 By Warner

Jan. 18 Read first time 224
Jan. 19 Referred to Committee on Constitutional Revision and Recreation....278
Jan. 24 Notice of hearing (2-3)....291
Jan. 27 Notice of hearing (2-17) (reset) 316
Feb. 24 Indefinitely postponed 652

LEGISLATIVE BILL 410 By Warner

Jan. 18 Read first time 224
Jan. 19 Referred to Committee on Appropriations 278
Jan. 28 Notice of hearing (2-9) 329
Mar. 25 Placed on General File 1164
Apr. 6 Warner motion to suspend rules lost 1341
Apr. 8 Committee amendments adopted. Advanced for Review 1402
Apr. 13 Hoagland amendment printed 1482
Apr. 13 Placed on Select File 1498
Apr. 13 Warner amendment printed 1504
Apr. 15 E and R amendments adopted. Hoagland pending amendment p. 1482 withdrawn. Warner pending amendment p. 1504 adopted. Hoagland motion to pass over lost. Advanced for Engrossment 1538
Apr. 15 Hoagland amendment printed 1539
Apr. 21 Correctly Engrossed. E and R change 1669
Apr. 21 Hoagland amendment printed 1684
Apr. 26 Hoagland amendment printed 1760
Apr. 26 Hoagland amendment printed 1761
Apr. 28 Wesely amendment printed 1829
Apr. 28 Wesely amendment printed 1845
May 2 Wesely pending amendment p. 1829 withdrawn. Wesely motion to return to Select File lost 1878
May 2 Wesely-Hoagland amendment printed 1887
May 10 Wesely-Hoagland pending amendment p. 1887 withdrawn. Hoagland motion to return to Select File lost 2136
May 10 Hoagland motion to return to Select File lost. Hoagland pending amendments p. 1482, p. 1539, and p. 1684 withdrawn. Hoagland motion to return to committee lost. Chambers motion to return to Select File withdrawn 2138
May 10 Haberman motion to suspend rules withdrawn. Final Reading 2140
May 10 President signed 2145
May 10 Presented to Governor 2158
May 16 Approved by Governor (5-16) 2267

LEGISLATIVE BILL 410A By Warner

Apr. 13 Read first time. Placed on General File 1504
Apr. 15 Advanced for Review 1531
Apr. 18 Placed on Select File 1565

Apr. 25 Warner amendment printed 1712
Apr. 26 Hoagland amendment printed 1761
Apr. 27 Warner pending amendment p. 1712 adopted. Advanced for Engrossment 1789
May 2 Correctly Engrossed.....1887
May 10 Hoagland pending amendment p. 1761 withdrawn. Final Reading 2141
May 10 President signed 2145
May 10 Presented to Governor 2158
May 16 Approved by Governor (5-16) 2267

LEGISLATIVE BILL 411 By Warner

Jan. 18 Read first time 224
Jan. 19 Referred to Committee on Public Works.....278
Feb. 3 Notice of hearing (2-17).....380
Feb. 25 Placed on General File.....663
Mar. 15 Nichol priority bill.....962
Mar. 28 Sieck-DeCamp amendment printed.....1204
May 2 Advanced for Review.....1883
May 4 Placed on Select File 1973
May 9 Warner amendment printed 2123
May 10 E and R amendment adopted. Sieck-DeCamp pending amendment p. 1204 ruled not germane. Warner pending amendment p. 2123 adopted. Advanced for Engrossment 2169
May 16 Correctly Engrossed.....2262
May 16 E and R change.....2263
May 19 Wesely-Cullan motion to return to Select File lost 2389
May 19 Final Reading 2393
May 19 President signed 2398
May 19 Presented to Governor 2404
May 23 Approved by Governor (5-23) 2464

LEGISLATIVE BILL 412 By Warner

Jan. 18 Read first time 224
Jan. 19 Referred to Committee on Public Works.....278
Feb. 3 Notice of hearing (2-16).....380
Mar. 23 Placed on General File 617
Mar. 25 Committee amendment adopted. Advanced for Review 1169
Mar. 30 Placed on Select File 1247
Apr. 12 E and R amendment adopted.

Warner amendment adopted.
Advanced for Engrossment 1476
Apr. 18 Correctly Engrossed....1580
Apr. 18 E and R change....1581
Apr. 25 Warner amendment printed 1723
Apr. 26 Returned to Select File for Warner pending amendment. Warner amendment adopted. Advanced for Re-Engrossment 1739
Apr. 28 Correctly Re-Engrossed....1840
May 4 Final Reading....1956
May 4 President signed....1962
May 4 Presented to Governor 1984
May 10 Approved by Governor (5-9) 2130

LEGISLATIVE BILL 413 By Fenger

Jan. 18 Read first time 224
Jan. 19 Referred to Committee on Public Health and Welfare....278
Jan. 24 Notice of hearing (1-31)....286
Feb. 2 Placed on General File....372
Feb. 8 Advanced for Review....437
Feb. 11 Placed on Select File.
Fenger amendment printed 480
Feb. 15 Fenger pending amendment adopted.
Advanced for Engrossment 513
Feb. 17 Correctly Engrossed. E and R change 561
Feb. 24 Final Reading....645
Feb. 24 Speaker signed 659
Feb. 25 Correction....662
Feb. 25 Presented to Governor 663
Mar. 2 Approved by Governor (3-2) 717

LEGISLATIVE BILL 414 By Public Health and Welfare Committee

Jan. 18 Read first time 224
Jan. 19 Referred to Committee on Public Health and Welfare....278
Jan. 24 Notice of hearing (1-31)....286
Feb. 4 Placed on General File....397
Feb. 16 Committee amendment adopted. Beutler-Lamb-H. Peterson-Marsh amendment adopted. Chambers amendments adopted. DeCamp motion to indefinitely postpone laid over....546
Feb. 22 DeCamp pending motion withdrawn.

DeCamp amendment adopted.
Advanced for Review 603
Feb. 23 Placed on Select File.
Chambers amendment printed 628
Feb. 24 Correction.....634
Mar. 2 E and R amendment adopted. Passed over.....721
Mar. 8 Chambers pending amendment p. 628 lost.
Advanced for Engrossment 825
Mar. 10 Correctly Engrossed 874
Mar. 17 Returned to Select File for
Chambers amendment 991
Mar. 17 Chambers pending amemdment adopted.
Advanced for Re-Engrossment 992
Mar. 18 Correction 1007
Mar. 21 Attorney General's Opinion 1035
Mar. 21 Correctly Re-Engrossed. E and R changes 1051
Mar. 24 Final Reading.....1115
Mar. 24 President signed.....1123
Mar. 24 Presented to Governor 1133
Mar. 31 Approved by Governor (3-30) 1288

LEGISLATIVE BILL 415 By Public Health and Welfare Committee

Jan. 18 Read first time 225
Jan. 19 Referred to Committee on Public
Health and Welfare.....278
Feb. 24 Notice of hearing (3-14).....655
Mar. 16 Placed on General File 972
Mar. 25 Advanced for Review 1161
Mar. 29 Placed on Select File 1236
Mar. 30 Advanced for Engrossment 1276
Apr. 8 Correctly Engrossed.....1411
Apr. 18 Final Reading.....1558
Apr. 18 President signed.....1567
Apr. 18 Presented to Governor 1569
Apr. 25 Approved by Governor (4-22) 1691

LEGISLATIVE BILL 416 By Public Health and Welfare Committee

Jan. 18 Read first time 225
Jan. 19 Referred to Committee on Public
Health and Welfare.....278
Feb. 16 Notice of hearing (3-1).....550
Mar. 14 Placed on General File 919

LEGISLATIVE BILL 416A By Fenger

Mar. 29 Read first time. Placed on General File.....1228

LEGISLATIVE BILL 417 By Public Health and Welfare Committee

Jan. 18 Read first time 225
Jan. 19 Referred to Committee on Public Health and Welfare.....278
Jan. 28 Notice of hearing (2-7).....327
Feb. 14 Placed on General File.....498
Feb. 17 Advanced for Review.....574
Feb. 22 Placed on Select File 587
Feb. 23 Advanced for Engrossment.....621
Feb. 25 Correctly Engrossed.....675
Mar. 3 Final Reading.....748
Mar. 3 Speaker signed 757
Mar. 4 Presented to Governor 767
Mar. 10 Approved by Governor (3-9) 888

LEGISLATIVE BILL 418 By Fenger

Jan. 18 Read first time 225
Jan. 19 Referred to Committee on Public Health and Welfare.....278
Feb. 24 Notice of hearing (3-15).....655

LEGISLATIVE BILL 419 By Marsh

Jan. 18 Read first time 225
Jan. 19 Referred to Committee on Education 278
Jan. 28 Notice of hearing (2-14).....328
Apr. 12 Placed on General File.....1460

LEGISLATIVE BILL 420 By Clark

Jan. 18 Read first time 226
Jan. 19 Referred to Committee on Judiciary 278
Feb. 11 Notice of hearing (3-2).....477
Apr. 25 Placed on General File.....1707

LEGISLATIVE BILL 421 By Beutler

Jan. 18 Read first time 226
Jan. 19 Lundy name added.....243
Jan. 19 Referred to Committee on Revenue 278
Jan. 24 Notice of hearing (1-31).....287
Feb. 4 Placed on General File.....395

Feb. 16 Committee amendments adopted.
Beutler amendment adopted.
Advanced for Review 538
Feb. 22 Placed on Select File 587
Feb. 23 Advanced for Engrossment.....621
Feb. 25 Correctly Engrossed.....667
Mar. 3 Final Reading.....748
Mar. 3 Speaker signed 757
Mar. 4 Presented to Governor 767
Mar. 10 Approved by Governor (3-9) 888

LEGISLATIVE BILL 422 By Beutler

Jan. 18 Read first time 226
Jan. 19 Referred to Committee on Judiciary 278
Jan. 31 Notice of hearing (2-8).....342
Feb. 22 Attorney General's Opinion 583

LEGISLATIVE BILL 423 By Beutler

Jan. 18 Read first time 226
Jan. 19 Referred to Committee on Revenue.....278
Feb. 22 Notice of hearing (3-14).....602
Mar. 23 Indefinitely postponed 1100

LEGISLATIVE BILL 424 By Beutler

Jan. 18 Read first time 226
Jan. 19 Referred to Committee on Business and Labor 278
Jan. 28 Notice of hearing (3-2).....327
Mar. 10 Placed on General File 891
Mar. 25 Advanced for Review 1158
Mar. 29 Placed on Select File 1235
Mar. 30 V. Johnson amendment lost.
V. Johnson amendment adopted.
Advanced for Engrossment 1266
Apr. 8 Correctly Engrossed.....1411
Apr. 8 E and R change.....1413
Apr. 18 Returned to Select File for Beutler amendment 1559
Apr. 18 Beutler amendment adopted.
Advanced for Re-Engrossment 1560
Apr. 21 Correctly Re-Engrossed.....1669
May 3 Final Reading.....1899
May 3 Speaker signed 1907
May 3 Presented to Governor 1915
May 10 Approved by Governor (5-9) 2129

LEGISLATIVE BILL 425 By Beutler

Jan. 18 Read first time 227
Jan. 19 Referred to Committee on Judiciary 278
Feb. 11 Notice of hearing (3-14)....477
Mar. 16 Indefinitely postponed 974

LEGISLATIVE BILL 426 By Beutler

Jan. 18 Read first time 227
Jan. 19 Referred to Committee on Agriculture and Environment 278
Feb. 15 Notice of hearing (2-25)....516
Mar. 15 Nichol priority bill....962
Mar. 25 Beutler motion to compel committee to report laid over 1180
Mar. 28 Placed on General File 1183
Mar. 29 Nichol withdrew priority bill 1225

LEGISLATIVE BILL 426A By Beutler

Apr. 7 Read first time. Placed on General File....1383

LEGISLATIVE BILL 427 By DeCamp

Jan. 18 Read first time 227
Jan. 19 Referred to Committee on Miscellaneous Subjects 278
Feb. 4 Notice of hearing (3-18)....403
Mar. 10 Notice of hearing (cancelled). DeCamp motion to withdraw laid over 892
Mar. 14 DeCamp pending motion prevailed. Withdrawn....916

LEGISLATIVE BILL 428 By DeCamp

Jan. 18 Read first time 227
Jan. 19 Referred to Committee on Judiciary 278
Jan. 31 Notice of hearing (2-15)....342
Feb. 17 Indefinitely postponed 581

LEGISLATIVE BILL 429 By Remmers, DeCamp

Jan. 18 Read first time 228
Jan. 19 Referred to Committee on Urban Affairs 278
Feb. 23 Notice of hearing (3-2)....614
Feb. 28 Remmers amendment printed....682

Mar. 14 Placed on General File 921
Mar. 15 Nichol priority bill.....962
Apr. 28 Remmers amendment to committee amendment printed.....1841
May 4 Committee amendments adopted as amended by Remmers pending amendment p. 1841. Remmers pending amendment p. 682 withdrawn. Wesely motion to indefinitely postpone lost.....1969
May 6 Newell amendment adopted. Failed to advance for Review.....2073
May 17 Higgins amendment withdrawn. Advanced for Review 2304
May 18 Placed on Select File 2359
May 19 E and R amendments adopted. Advanced for Engrossment 2399
May 20 Correctly Engrossed.....2426
May 24 Nichol motion to suspend rules prevailed 2489
May 24 Final Reading 2494
May 24 President signed 2499
May 24 Presented to Governor 2502
May 25 Approved by Governor (5-25) 2536

LEGISLATIVE BILL 430 By Newell, Vickers, Wiitala, Fowler, Hoagland

Jan. 18 Read first time 228
Jan. 19 Referred to Committee on Education 278
Jan. 28 Notice of hearing (2-14).....328
Feb. 22 Placed on General File.....600

LEGISLATIVE BILL 431 By Schmit

Jan. 18 Read first time 228
Jan. 19 Referred to Committee on Public Works.....278
Feb. 7 Notice of hearing (2-24).....410
Mar. 28 Attorney General's Opinion 1183

LEGISLATIVE BILL 432 By Newell

Jan. 18 Read first time 228
Jan. 19 Referred to Committee on Business and Labor 278
Jan. 26 Notice of hearing (2-2).....306
Mar. 2 Placed on General File 714
Mar. 15 Newell priority bill.....946
Mar. 22 Committee amendment adopted 1059

Mar. 22 Newell amendment adopted.
Advanced for Review 1073
Mar. 24 Placed on Select File 1139
Mar. 30 E and R amendments adopted. Failed to
advance for Engrossment 1258
Apr. 6 Advanced for Engrossment 1352
Apr. 11 Correctly Engrossed 1436
Apr. 20 Final Reading 1618
Apr. 20 President signed 1639
Apr. 20 Presented to Governor 1650
Apr. 25 Approved by Governor (4-25) 1710

LEGISLATIVE BILL 433 By Wiitala, DeCamp

Jan. 18 Read first time 228
Jan. 19 Referred to Committee on Banking,
Commerce and Insurance 278
Feb. 8 Notice of hearing (2-15) 426
Mar. 10 Placed on General File 883
Mar. 15 Nichol priority bill 962
Apr. 11 Committee amendments adopted. Wiitala
amendment adopted. Advanced for Review 1423
Apr. 18 Placed on Select File 1545
Apr. 20 Passed over 1556
Apr. 20 E and R amendments adopted.
Wiitala amendment adopted.
Advanced for Engrossment 1659
Apr. 26 Correctly Engrossed. E and R change 1763
May 4 Final Reading 1941
May 4 Marsh explanation of vote 1945
May 4 Speaker signed 1962
May 4 Presented to Governor 1984
May 10 Approved by Governor (5-10) 2166

LEGISLATIVE BILL 434 By Labedz

Jan. 18 Read first time 229
Jan. 19 Referred to Committee on Banking,
Commerce and Insurance 278
Feb. 8 Notice of hearing (2-22) 426
Apr. 11 Indefinitely postponed 1430

LEGISLATIVE BILL 435 By DeCamp, Fowler

Jan. 18 Read first time 229
Jan. 19 Referred to Committee on Revenue 278

Feb. 4 Landis amendment printed 401
Feb. 7 Notice of hearing (2-22).....411
Feb. 25 Indefinitely postponed 663

LEGISLATIVE BILL 436 By Wiitala

Jan. 18 Read first time 229
Jan. 19 Referred to Committee on Public Health and Welfare.....278
Feb. 2 Notice of hearing (2-14).....371
Feb. 28 Indefinitely postponed 692

LEGISLATIVE BILL 437 By Wiitala

Jan. 18 Read first time 229
Jan. 19 Referred to Committee on Education 278
Feb. 7 Notice of hearing (3-7).....417
Apr. 12 Indefinitely postponed 1461

LEGISLATIVE BILL 438 By Goodrich

Jan. 18 Read first time 229
Jan. 19 Referred to Committee on Urban Affairs 278
Feb. 16 Notice of hearing (2-23).....525
Feb. 28 Placed on General File.....691
Mar. 4 Advanced for Review 777
Mar. 9 Placed on Select File 842
Mar. 14 Advanced for Engrossment 940
Mar. 17 Correctly Engrossed 979
Mar. 24 Final Reading.....1110
Mar. 24 President signed.....1123
Mar. 24 Presented to Governor 1133
Mar. 31 Approved by Governor (3-30) 1288

LEGISLATIVE BILL 439 By Wesely

Jan. 18 Read first time 229
Jan. 19 Referred to Committee on Public Health and Welfare.....278
Jan. 24 Notice of hearing (2-1).....287
Feb. 4 Placed on General File.....397
Feb. 16 Advanced for Review.....546
Feb. 22 Placed on Select File 587
Feb. 23 Advanced for Engrossment.....621
Feb. 25 Correctly Engrossed.....667
May 12 Final Reading 2229

May 12 President signed 2232
May 12 Presented to Governor 2242
May 17 Approved by Governor (5-17) 2330

LEGISLATIVE BILL 439A By Wesely

Feb. 16 Read first time. Placed on General File 551
Feb. 22 Advanced for Review 603
Feb. 23 Placed on Select File 614
Feb. 28 Advanced for Engrossment 690
Mar. 1 Correctly Engrossed 699
May 12 Final Reading 2230
May 12 President signed 2232
May 12 Presented to Governor 2242
May 17 Approved by Governor (5-17) 2330

LEGISLATIVE BILL 440 By Morehead

Jan. 18 Read first time 230
Jan. 19 Referred to Committee on Judiciary 278
Feb. 11 Notice of hearing (3-7) 477
Mar. 9 Placed on General File 860
Mar. 24 Morehead amendment printed 1133
Mar. 25 Advanced for Review 1157
Mar. 29 Placed on Select File 1211
Mar. 30 Morehead pending amendment p. 1133 adopted. Advanced for Engrossment 1265
Apr. 8 Correctly Engrossed 1411
Apr. 8 E and R change 1413
Apr. 18 Final Reading 1560
Apr. 18 President signed 1567
Apr. 18 Presented to Governor 1569
Apr. 25 Approved by Governor (4-22) 1691

LEGISLATIVE BILL 441 By Vickers, Pappas

Jan. 18 Read first time 230
Jan. 19 Referred to Committee on Judiciary 278
Feb. 11 Notice of hearing (3-9) 477

LEGISLATIVE BILL 442 By Landis

Jan. 18 Read first time 230
Jan. 19 Referred to Committee on Nebraska Retirement Systems 278
Jan. 24 Notice of hearing (2-7) 292

Mar. 8 Placed on General File 829

LEGISLATIVE BILL 443 By Sieck, Von Minden, Kahle

Jan. 18 Read first time 230
Jan. 19 Referred to Committee on Judiciary 278
Feb. 11 Notice of hearing (3-2).....477

LEGISLATIVE BILL 444 By Sieck, Remmers

Jan. 18 Read first time 230
Jan. 19 Referred to Committee on Revenue.....279
Feb. 17 Notice of hearing (2-28).....573

LEGISLATIVE BILL 445 By Eret

Jan. 18 Read first time 232
Jan. 19 Referred to Committee on Education 279
Jan. 24 Notice of hearing (2-1).....287
Feb. 11 Placed on General File.....485

LEGISLATIVE BILL 446 By Wiitala

Jan. 18 Read first time 232
Jan. 19 Referred to Committee on Education 279
Feb. 7 Notice of hearing (3-14).....417
Mar. 21 Attorney General's Opinion 1032

LEGISLATIVE BILL 447 By Hoagland

Jan. 18 Read first time 232
Jan. 19 Referred to Committee on Judiciary 279
Feb. 11 Notice of hearing (3-1).....476
Mar. 9 Notice of hearing (3-16) (rehearing).....867
Mar. 9 Beutler amendment printed 868
Mar. 14 Law Enforcement and Justice Advisory Committee priority bill.....944
Mar. 24 Placed on General File 1133
Apr. 11 Hoagland amendment printed 1431
Apr. 19 Beutler amendment to committee amendment printed.....1614
Apr. 27 Point of order sustained. Priority bill withdrawn.....1809
May 2 Attorney General's Opinion 1867
May 6 Committee amendments adopted as amended by Beutler pending amendment p. 1614.

Advanced for Review 2075
May 10 Placed on Select File 2137
May 17 E and R amendments adopted. Hoagland pending amendment p. 1431 withdrawn. V. Johnson amendment adopted. Chambers amendment ruled not germane. Advanced for Engrossment 2325
May 19 Correctly Engrossed. E and R change 2404
May 23 Chambers motion to return to Select File for amendment ruled not germane 2478
May 24 Final Reading 2487
May 24 President signed 2493
May 24 Presented to Governor 2498
May 25 Approved by Governor (5-25) 2536

LEGISLATIVE BILL 448 By Hoagland

Jan. 18 Read first time 233
Jan. 19 Referred to Committee on Judiciary 279
Feb. 11 Notice of hearing (3-1).....476
Mar. 4 Indefinitely postponed 775

LEGISLATIVE BILL 449 By Landis

Jan. 18 Read first time 233
Jan. 19 Referred to Committee on Public Health and Welfare.....279
Feb. 2 Notice of hearing (2-14).....371
Feb. 28 Indefinitely postponed 692

LEGISLATIVE BILL 450 By Fowler, Cullan, Wiitala

Jan. 18 Read first time 233
Jan. 19 Referred to Committee on Nebraska Retirement Systems.....279
Jan. 26 Notice of hearing (2-17).....306
May 6 Placed on General File.....2083

LEGISLATIVE BILL 450A By Fowler

May 11 Read first time. Placed on General File.....2193

LEGISLATIVE BILL 451 By Newell

Jan. 18 Read first time 233
Jan. 19 Referred to Committee on Urban Affairs 279

Feb. 2 Notice of hearing (2-9).....371
Mar. 14 Placed on General File 919
Mar. 15 Urban Affairs Committee priority bill 946
Apr. 27 Committee amendments adopted. Beutler amendment ruled not germane. Advanced for Review 1793
May 3 Placed on Select File 1894
May 10 E and R amendments adopted. Beutler amendment adopted. Lamb and Newell amendments lost. Lamb amendments (1) and (2) adopted. Advanced for Engrossment 2154
May 12 Correctly Engrossed. E and R change 2225
May 18 Final Reading 2345
May 18 Speaker signed 2350
May 18 Presented to Governor 2356
May 23 Approved by Governor (5-23) 2464

LEGISLATIVE BILL 452 By Haberman, Schmit, DeCamp

Jan. 18 Read first time 233
Jan. 19 Referred to Committee on Revenue 279
Feb. 22 Notice of hearing (3-15).....603
Mar. 17 Indefinitely postponed 993

LEGISLATIVE BILL 453 By L. Johnson

Jan. 18 Read first time 234
Jan. 19 Referred to Committee on Banking, Commerce and Insurance.....279
Feb. 8 Notice of hearing (2-22).....426

LEGISLATIVE BILL 454 By DeCamp

Jan. 18 Read first time 236
Jan. 19 Referred to Committee on Banking, Commerce and Insurance.....279
Jan. 31 Notice of hearing (2-7).....337
Feb. 4 DeCamp amendment printed 403
Feb. 8 Placed on General File.....434
Feb. 16 Newell name added 538
Mar. 14 Banking, Commerce and Insurance Committee priority bill.....944
Mar. 18 Wiitala amendment printed 1020
Mar. 21 Committee amendments adopted. DeCamp amendment adopted. Wiitala pending

amendment p. 1020 ruled not germane. Landis amendment lost. Advanced for Review 1046
Mar. 22 Expedited 1055
Mar. 22 Placed on Select File 1061
Mar. 22 Haberman explanation of vote on challenge of Chair 1079
Mar. 23 E and R amendment adopted. Advanced for Engrossment 1087
Mar. 23 DeCamp amendment printed 1094
Mar. 23 Correctly Engrossed 1101
Mar. 28 Wesely amendment printed 1185
Mar. 29 Passed over 1219
Mar. 31 DeCamp pending amendment p. 1094 withdrawn. Wesely pending amendment p. 1185 withdrawn 1290
Mar. 31 Returned to Select File for DeCamp amendment. DeCamp amendment adopted. Advanced for Re-Engrossment 1291
Apr. 6 Correctly Re-Engrossed. E and R change 1346
Apr. 12 Final Reading 1441
Apr. 12 President signed 1449
Apr. 12 Presented to Governor 1451
Apr. 18 Approved by Governor (4-18) 1582

LEGISLATIVE BILL 455 By Landis

Jan. 18 Read first time 237
Jan. 19 Referred to Committee on Judiciary 279
Feb. 11 Notice of hearing (3-15) 477

LEGISLATIVE BILL 456 By Newell

Jan. 18 Read first time 237
Jan. 19 Referred to Committee on Government, Military and Veterans Affairs 279
Jan. 26 Notice of hearing (2-17) 307
Feb. 17 Lundy name added 554
Mar. 1 Indefinitely postponed 704
Mar. 3 Newell-Lundy motion to place on General File laid over 758
Mar. 10 Newell-Lundy pending motion withdrawn 884

LEGISLATIVE BILL 457 By Wesely

Jan. 18 Read first time 237

Jan. 19 Referred to Committee on Nebraska Retirement Systems....279
Jan. 24 Notice of hearing (1-31)....292
Mar. 14 Nebraska Retirement Systems Committee priority bill....944
May 6 Placed on General File....2083

LEGISLATIVE BILL 458 By Hoagland

Jan. 18 Read first time....237
Jan. 19 Referred to Committee on Public Works....279
Feb. 10 Notice of hearing (3-9)....453

LEGISLATIVE BILL 459 By Newell

Jan. 18 Read first time....237
Jan. 19 Referred to Committee on Government, Military and Veterans Affairs....279
Jan. 26 Notice of hearing (2-24)....307

LEGISLATIVE BILL 460 By Newell

Jan. 18 Read first time....238
Jan. 19 Referred to Committee on Banking, Commerce and Insurance....279
Feb. 8 Notice of hearing (2-15)....426
Mar. 9 Placed on General File....867

LEGISLATIVE BILL 461 By R. Johnson

Jan. 18 Read first time....238
Jan. 19 Referred to Committee on Banking, Commerce and Insurance....279
Feb. 8 Notice of hearing (2-15)....426
Mar. 9 Placed on General File....867
Mar. 25 Advanced for Review....1157
Mar. 29 Placed on Select File....1235
Mar. 30 E and R amendment adopted.
R. Johnson-Beutler amendment adopted.
Advanced for Engrossment....1265
Apr. 8 Correctly Engrossed....1411
Apr. 18 Final Reading....1561
Apr. 18 President signed....1567
Apr. 18 Presented to Governor....1569
Apr. 25 Approved by Governor (4-22)....1691

LEGISLATIVE BILL 462 By Lamb

Jan. 18 Read first time 238
Jan. 19 Referred to Committee on Public Works....279
Feb. 7 Notice of hearing (2-24)....410
Mar. 24 Indefinitely postponed 1138

LEGISLATIVE BILL 463 By Doyle

Jan. 18 Read first time 239
Jan. 19 Referred to Committee on Government, Military and Veterans Affairs 279
Jan. 26 Notice of hearing (2-24)....307
Mar. 3 Placed on General File 758
Mar. 25 Committee amendments adopted. Advanced for Review 1179
Apr. 5 Placed on Select File 1306
Apr. 6 E and R amendments adopted. Advanced for Engrossment 1367
Apr. 13 Correctly Engrossed. E and R change 1503
Apr. 20 Final Reading 1626
Apr. 20 President signed 1639
Apr. 20 Presented to Governor 1650
Apr. 25 Approved by Governor (4-25) 1710

LEGISLATIVE BILL 464 By Goll

Jan. 18 Read first time 239
Jan. 19 Referred to Committee on Judiciary 279
Feb. 11 Notice of hearing (3-7)....477
Mar. 9 Indefinitely postponed 863

LEGISLATIVE BILL 465 By Wagner

Jan. 19 Read first time 243
Jan. 19 Referred to Committee on Education 279
Feb. 7 Notice of hearing (3-8)....417
Mar. 4 Vickers amendment printed 772
Mar. 15 Nichol priority bill....962
Mar. 18 Placed on General File 1022
Mar. 22 DeCamp amendment to committee amendments withdrawn. H. Peterson motion lost. Committee amendments adopted 1063
Mar. 22 Vickers pending amendment p. 772 withdrawn. DeCamp amendment adopted. Advanced for Review 1072

Mar. 24 Placed on Select File 1139
Mar. 25 Attorney General's Opinion 1161
Mar. 25 Vickers-DeCamp amendment printed 1168
Mar. 25 Rupp amendment printed 1178
Mar. 28 DeCamp amendment printed 1186
Mar. 30 E and R amendments adopted. Laid over 1858
Apr. 5 Vickers-Wagner-Goodrich-Fenger-H.Peterson amendment printed 1330
Apr. 6 Vickers-DeCamp pending amendment p. 1168, Rupp pending amendment p. 1178, and DeCamp pending amendment p. 1186 withdrawn. Vickers et al pending amendment p. 1330 adopted. DeCamp motion to indefinitely postpone withdrawn. Advanced for Engrossment 1351
Apr. 11 Correctly Engrossed. E and R change 1436
Apr. 14 Attorney General's Opinion 1509
Apr. 20 Final Reading 1619
Apr. 20 President signed 1639
Apr. 20 Presented to Governor 1650
Apr. 25 Approved by Governor (4-25) 1710

LEGISLATIVE BILL 466 By Constitutional Revision and Recreation Committee

Jan. 19 Read first time 243
Jan. 19 Referred to Committee on Constitutional Revision and Recreation 279
Jan. 24 Notice of hearing (2-4) 291
Feb. 8 Placed on General File 428
Feb. 25 Labedz amendment printed 670
Mar. 1 Labedz amendment printed 706
Mar. 2 Beutler amendment printed 715
Mar. 2 Schmit amendment printed 725
Mar. 3 DeCamp amendment printed 751

LEGISLATIVE BILL 466A By Labedz

Feb. 15 Read first time. Placed on General File 515

LEGISLATIVE BILL 467 By Newell

Jan. 19 Read first time 243
Jan. 19 Referred to Committee on Education 279
Feb. 7 Notice of hearing (2-28) 417

LEGISLATIVE BILL 468 By Appropriations Committee

Jan. 19 Read first time 243
Jan. 19 Referred to Committee on Appropriations 279
Jan. 31 Notice of hearing (2-16) 348
Mar. 15 Placed on General File 961
Apr. 6 Warner motion to suspend rules lost 1341
Apr. 7 Committee amendments adopted.
Advanced for Review 1375
Apr. 13 Placed on Select File 1480
Apr. 14 E and R amendment adopted.
Advanced for Engrossment 1519
Apr. 19 Correctly Engrossed 1600
Apr. 26 Final Reading 1744
Apr. 26 Speaker signed 1749
Apr. 26 Presented to Governor 1752
May 2 Approved by Governor (4-29) 1850

LEGISLATIVE BILL 469 By Performance Review and Audit Committee

Jan. 19 Read first time 243
Jan. 19 Referred to Committee on Appropriations 279
Jan. 31 Notice of hearing (2-17) 348
Mar. 14 Placed on General File 937
Mar. 25 Advanced for Review 1158
Mar. 29 Placed on Select File 1235
Mar. 30 Advanced for Engrossment 1271
Apr. 8 Correctly Engrossed 1411
Apr. 27 Returned to Select File for Warner amendment. Warner amendment adopted.
Advanced for Re-Engrossment 1777
Apr. 27 Bracket 1779
Apr. 27 DeCamp-Haberman motion to recommit to committee laid over 1809
May 2 Attorney General's Opinion 1872
May 5 Attorney General's Opinion 2021
May 10 Unbracket 2131
May 10 Correctly Re-Engrossed 2150
May 12 Nichol motion to suspend rules prevailed 2225
May 12 DeCamp-Haberman pending motion p. 1809 withdrawn. Final Reading 2248
May 12 President signed 2251
May 12 Presented to Governor 2253
May 17 Approved by Governor (5-17) 2330

LEGISLATIVE BILL 470 By Warner, Marsh, L. Johnson, Goodrich, Morehead, Wagner, Kilgarin, H. Peterson, Kahle

Jan.	19	Read first time 244
Jan.	19	Referred to Committee on Public Health and Welfare 279
Feb.	16	Notice of hearing (2-28) 550
Mar.	7	Placed on General File 803
Mar.	24	Fowler-Wiitala-Marsh-Kilgarin amendment printed 1130
Apr.	15	Special Order 1539
Apr.	18	Removed from Special Order 1569
Apr.	21	V. Johnson amendment printed 1679

LEGISLATIVE BILL 470A By Warner

Mar.	17	Read first time. Placed on General File 1004

LEGISLATIVE BILL 471 By Warner, Marsh, L. Johnson, Goodrich, Morehead, Wagner, Kilgarin, H. Peterson, Kahle

Jan.	19	Read first time 244
Jan.	19	Referred to Committee on Government Military and Veterans Affairs 279
Jan.	28	Notice of hearing (2-25) 326

LEGISLATIVE BILL 472 By Warner, Marsh, L. Johnson, Goodrich, Morehead, Wagner, Kilgarin, H. Peterson

Jan.	19	Read first time 244
Jan.	19	Referred to Committee on Public Health and Welfare 279
Feb.	2	Notice of hearing (2-15) 371
Mar.	7	Placed on General File 805
Apr.	27	Committee amendments adopted. Advanced for Review 1778
May	2	Placed on Select File 1850
May	10	E and R amendments adopted. Advanced for Engrossment 2168
May	12	Correctly Engrossed 2258
May	18	Final Reading 2345
May	18	Speaker signed 2350
May	18	Presented to Governor 2356
May	23	Approved by Governor (5-23) 2464

LEGISLATIVE BILL 473 By Warner, Marsh, L. Johnson, Morehead, Wagner, Kilgarin, H. Peterson, Kahle

Jan. 19 Read first time 245
Jan. 19 Referred to Committee on Banking, Commerce and Insurance.....279
Feb. 8 Notice of hearing (3-1).....427
Mar. 8 Indefinitely postponed 837
Mar. 10 DeCamp motion to return to committee prevailed 907

LEGISLATIVE BILL 474 By Warner, Morehead, Kahle, Kilgarin, Wagner

Jan. 19 Read first time 245
Jan. 19 Referred to Committee on Government, Military and Veterans Affairs 279
Jan. 28 Notice of hearing (2-25).....326
Jan. 28 Haberman name added 333
Mar. 23 Indefinitely postponed 1094

LEGISLATIVE BILL 475 By Warner, Marsh, L. Johnson, Goodrich, Morehead, Wagner, Kilgarin, H. Peterson

Jan. 19 Read first time 245
Jan. 19 Referred to Committee on Banking, Commerce and Insurance.....279
Feb. 8 Notice of hearing (3-1).....427
Mar. 8 Indefinitely postponed 837
Mar. 10 DeCamp motion to return to committee prevailed 907

LEGISLATIVE BILL 476 By Warner, Marsh, L. Johnson, Goodrich, Morehead, Wagner, Kilgarin, H. Peterson, Kahle

Jan. 19 Read first time 246
Jan. 19 Referred to Committee on Public Health and Welfare.....279
Feb. 2 Notice of hearing (2-15).....371
Feb. 28 Placed on General File.....692
Mar. 7 Corrected committee amendments 812
Mar. 25 Committee amendments adopted. Advanced for Review 1170
Apr. 5 Placed on Select File 1305
Apr. 6 E and R amendments adopted. Advanced for Engrossment 1367

Apr. 7 Fenger amendment printed 1379
Apr. 12 Correctly Engrossed.....1460
Apr. 27 Returned to Select File for Fenger pending amendment 1773
Apr. 27 Fenger pending amendment adopted. Advanced for Re-Engrossment 1774
May 2 Correctly Re-Engrossed.....1874
May 5 Final Reading 1988
May 5 Speaker signed 1990
May 5 Presented to Governor 2004
May 10 Approved by Governor (5-9) 2130

LEGISLATIVE BILL 476A By Warner

Apr. 7 Read first time. Placed on General File 1372
Apr. 11 Advanced for Review.....1420
Apr. 13 Placed on Select File 1498
Apr. 27 Advanced for Engrossment.....1788
May 2 Correctly Engrossed.....1887
May 5 Final Reading 1989
May 5 Speaker signed 1990
May 5 Presented to Governor 2004
May 10 Approved by Governor (5-9) 2130

LEGISLATIVE BILL 477 By Warner, Marsh, L. Johnson, Goodrich, Morehead, Wagner, Kilgarin, H. Peterson, Kahle

Jan. 19 Read first time 246
Jan. 19 Referred to Committee on Government, Military and Veterans Affairs 279
Jan. 28 Notice of hearing (2-25).....326
Mar. 24 Placed on General File 1138

LEGISLATIVE BILL 477A By Warner

Mar. 30 Read first time. Placed on General File.....1276

LEGISLATIVE BILL 478 By Warner, Marsh, L. Johnson, Goodrich, Morehead, Wagner, Kilgarin, H. Peterson, Kahle

Jan. 19 Read first time 246
Jan. 19 Referred to Committee on Government, Military and Veterans Affairs 279
Jan. 28 Notice of hearing (2-25).....326
Mar. 24 Placed on General File 1138

LEGISLATIVE BILL 478A By Warner

Mar. 30 Read first time. Placed on General File.....1276

LEGISLATIVE BILL 479 By Warner, Marsh, L. Johnson, Goodrich, Morehead, Wagner, Kilgarin, H. Peterson, Kahle

Jan. 19 Read first time 247
Jan. 19 Referred to Committee on Miscellaneous Subjects 279
Feb. 4 Notice of hearing (2-24).....403
Mar. 8 Placed on General File 823
Mar. 10 Corrected committee amendments 889
Mar. 14 Miscellaneous Subjects priority bill.....943
Apr. 27 Committee amendments adopted as amended by Hoagland. Advanced for Review.....1791
May 2 Placed on Select File 1851
May 3 E and R amendment adopted. Advanced for Engrossment 1918
May 5 Correctly Engrossed.....2015
May 10 Final Reading 2134
May 10 President signed 2136
May 10 Presented to Governor 2158
May 16 Approved by Governor (5-16) 2267

LEGISLATIVE BILL 480 By Warner, Marsh, Goodrich, Wagner, Kahle, Kilgarin, H. Peterson, Morehead, L. Johnson

Jan. 19 Read first time 247
Jan. 19 Referred to Committee on Banking, Commerce and Insurance.....279
Feb. 8 Notice of hearing (3-1).....427
Mar. 8 Indefinitely postponed 837
Mar. 10 DeCamp motion to return to committee prevailed 907

LEGISLATIVE BILL 481 By Warner, Marsh, Goodrich, L. Johnson, Kilgarin, H. Peterson, Morehead, Kahle

Jan. 19 Read first time 249
Jan. 19 Referred to Committee on Public Health and Welfare.....279
Feb. 2 Notice of hearing (2-15).....371
Mar. 16 Placed on General File 972

LEGISLATIVE BILL 481A By Warner

May 17 Read first time. Placed on General File.....2315

LEGISLATIVE BILL 482 By Higgins

Jan. 19 Read first time 250
Jan. 19 Referred to Committee on Public Works.....279
Feb. 7 Notice of hearing (2-23).....410
Mar. 8 Placed on General File 820

LEGISLATIVE BILL 483 By Newell

Jan. 19 Read first time 250
Jan. 19 Referred to Committee on Business and Labor 279
Jan. 28 Notice of hearing (3-2).....327
Mar. 10 Indefinitely postponed 891

LEGISLATIVE BILL 484 By Lamb

Jan. 19 Read first time 250
Jan. 19 Referred to Committee on Revenue.....279
Jan. 31 Notice of hearing (2-7).....352
Feb. 11 Indefinitely postponed 468

LEGISLATIVE BILL 485 By Pirsch

Jan. 19 Read first time 250
Jan. 19 Referred to Committee on Public Works.....279
Feb. 7 Notice of hearing (2-24).....410

LEGISLATIVE BILL 486 By Abboud

Jan. 19 Read first time 250
Jan. 19 Referred to Committee on Public Health and Welfare.....279
Feb. 24 Notice of hearing (3-8).....654
Mar. 14 Indefinitely postponed 919

LEGISLATIVE BILL 487 By Labedz

Jan. 19 Read first time 251
Jan. 19 Referred to Committee on Judiciary 279
Feb. 11 Notice of hearing (2-23).....476
Mar. 2 Indefinitely postponed 718

LEGISLATIVE BILL 488 By Newell

Jan. 19 Read first time 251
Jan. 19 Referred to Committee on Nebraska Retirement Systems....279
Jan. 24 Notice of hearing (1-31)....292
Feb. 3 Placed on General File....391
Feb. 11 Committee amendments adopted. Advanced for Review....483
Feb. 15 Placed on Select File 510
Feb. 22 E and R amendment adopted. Advanced for Engrossment....613
Feb. 24 Correctly Engrossed....652
Mar. 2 Final Reading....712
Mar. 2 President signed....716
Mar. 3 Presented to Governor 729
Mar. 8 Approved by Governor (3-7) 835

LEGISLATIVE BILL 489 By Landis, V. Johnson

Jan. 19 Read first time 251
Jan. 19 Referred to Committee on Judiciary 279
Feb. 11 Notice of hearing (3-15)....477

LEGISLATIVE BILL 490 By V. Johnson

Jan. 19 Read first time 251
Jan. 19 Referred to Committee on Public Health and Welfare....279
Feb. 24 Notice of hearing (3-7)....654
Mar. 22 Placed on General File 1062
Apr. 15 Special Order 1539
Apr. 18 Fenger amendment printed....1565
Apr. 27 Committee amendments adopted. Fenger pending amendment p. 1565 adopted. Advanced for Review....1778
May 2 Placed on Select File 1850
May 23 E and R amendments adopted. Cullan motion to bracket withdrawn. Cullan motion to pass over lost. Cullan motion to indefinitely postpone lost 2444
May 23 Warner amendment adopted. Advanced for Engrossment 2449
May 23 Correctly Engrossed. E and R change 2456
May 25 Nichol motion to suspend rules prevailed 2516
May 25 Higgins motion to return to Select File withdrawn. Final Reading 2526

May 25 President signed. Correctly Enrolled 2529
May 25 Presented to Governor 2530
June 2 Returned by Governor without approval 2549
June 2 Letter.....2550
June 2 Certificate 2551

LEGISLATIVE BILL 491 By V. Johnson

Jan. 19 Read first time 251
Jan. 19 Referred to Committee on Revenue 279
Feb. 17 Notice of hearing (3-8).....573

LEGISLATIVE BILL 492 By V. Johnson

Jan. 19 Read first time 251
Jan. 19 Referred to Committee on Judiciary 280
Jan. 31 Notice of hearing (2-15).....342
Feb. 17 Placed on General File.....581

LEGISLATIVE BILL 493 By Newell

Jan. 19 Read first time 252
Jan. 19 Referred to Committee on Government, Military and Veterans Affairs 280
Jan. 26 Notice of hearing (2-3).....306
Feb. 7 Indefinitely postponed 416
Feb. 17 Attorney General's Opinion 577

LEGISLATIVE BILL 494 By Labedz

Jan. 19 Read first time 252
Jan. 19 Referred to Committee on Revenue 280
Feb. 22 Notice of hearing (3-14).....602
Mar. 17 Placed on General File 993
Apr. 25 Committee amendments adopted. Advanced for Review 1715
Apr. 28 Placed on Select File 1811
May 10 E and R amendments adopted. Advanced for Engrossment 2167
May 12 Correctly Engrossed. E and R change 2254
May 18 Final Reading 2346
May 18 Speaker signed 2350
May 18 Presented to Governor 2356
May 23 Approved by Governor (5-23) 2464

LEGISLATIVE BILL 495 By Goll, V. Johnson

Jan. 19 Read first time 252
Jan. 19 Referred to Committee on Education 280
Feb. 7 Notice of hearing (2-28)....417
Mar. 10 Indefinitely postponed 906

LEGISLATIVE BILL 496 By V. Johnson

Jan. 19 Read first time 252
Jan. 19 Referred to Committee on Business and Labor 280
Jan. 28 Notice of hearing (2-23)....327
Mar. 18 Placed on General File 1010

LEGISLATIVE BILL 497 By Wiitala

Jan. 19 Read first time 252
Jan. 19 Referred to Committee on Public Health and Welfare....280
Jan. 24 Notice of hearing (2-1)....287
Feb. 4 Placed on General File....397
Feb. 23 Committee amendment adopted. Advanced for Review 624
Feb. 24 Placed on Select File 652
Mar. 2 E and R amendment adopted. Beutler amendment adopted 721
Mar. 14 Fenger amendment adopted. Advanced for Engrossment 935
Mar. 17 Correctly Engrossed 979
Mar. 17 E and R changes....980
Mar. 24 Final Reading....1110
Mar. 24 President signed....1123
Mar. 24 Presented to Governor 1133
Mar. 31 Approved by Governor (3-30) 1288

LEGISLATIVE BILL 498 By Wagner

Jan. 19 Read first time 252
Jan. 19 Referred to Committee on Government, Military and Veterans Affairs 280
Jan. 26 Notice of hearing (2-24)....307
Mar. 29 Placed on General File 1222
Apr. 6 Warner motion to suspend rules lost 1341
Apr. 7 Committee amendment adopted. Advanced for Review 1375
Apr. 13 Placed on Select File 1480
Apr. 14 E and R amendment adopted.

Advanced for Engrossment 1519
Apr. 19 Correctly Engrossed. E and R changes 1600
Apr. 26 Returned to Select File for Landis amendment. Landis amendment adopted. Advanced for Re-Engrossment 1745
Apr. 28 Correctly Re-Engrossed.....1840
May 4 Final Reading.....1957
May 4 Speaker signed 1962
May 4 Presented to Governor 1984
May 10 Approved by Governor (5-9) 2130

LEGISLATIVE BILL 499 By Haberman

Jan. 19 Read first time 253
Jan. 19 Referred to Committee on Judiciary 280
Feb. 11 Notice of hearing (3-14).....477
Feb. 15 Haberman motion to withdraw laid over 518
Feb. 16 Haberman pending motion prevailed. Withdrawn.....525
Feb. 16 Notice of hearing (cancelled) 550

LEGISLATIVE BILL 500 By Schmit

Jan. 19 Read first time 253
Jan. 19 Referred to Committee on Judiciary 280
Jan. 28 Barrett name added 330
Jan. 31 Notice of hearing (2-14).....342
Feb. 8 Sieck name added.....434
Feb. 17 Placed on General File.....581

LEGISLATIVE BILL 500A By Schmit

Feb. 28 Read first time. Placed on General File.....691

LEGISLATIVE BILL 501 By Schmit, Pappas

Jan. 19 Read first time 253
Jan. 19 Referred to Committee on Judiciary 280
Feb. 11 Notice of hearing (3-15).....477
Mar. 4 Schmit motion to withdraw laid over 771
Mar. 7 Schmit pending motion prevailed. Withdrawn.....795
Mar. 8 Notice of hearing (cancelled) 834

LEGISLATIVE BILL 502 By Schmit, Pappas

Jan. 19 Read first time 253
Jan. 19 Referred to Committee on Banking, Commerce and Insurance.....280
Feb. 8 Notice of hearing (2-28).....427

LEGISLATIVE BILL 503 By Schmit

Jan. 19 Read first time 253
Jan. 19 Referred to Committee on Public Works.....280
Feb. 3 Notice of hearing (2-17).....380
Mar. 21 Placed on General File 1041
Mar. 25 Advanced for Review 1161
Mar. 29 Placed on Select File 1236
Apr. 7 Schmit amendment printed.....1371
Apr. 18 Attorney General's Opinion 1576

LEGISLATIVE BILL 503A By Schmit

Mar. 25 Read first time. Placed on General File.....1164
Apr. 8 Advanced for Review.....1391
Apr. 13 Placed on Select File 1488

LEGISLATIVE BILL 504 By Schmit

Jan. 19 Read first time 253
Jan. 19 Referred to Committee on Agriculture and Environment 280
Feb. 15 Notice of hearing (3-3).....516

LEGISLATIVE BILL 505 By Schmit

Jan. 19 Read first time 254
Jan. 19 Referred to Committee on Agriculture and Environment 280
Feb. 15 Notice of hearing (3-3).....516
Mar. 14 Schmit priority bill.....943
Mar. 22 Placed on General File 1058
Mar. 28 Eret amendment printed.....1210
Mar. 29 Schmit amendments adopted. Eret pending amendment withdrawn. Advanced for Review.....1237
Apr. 5 Attorney General's Opinion 1308
Apr. 6 Placed on Select File 1333
Apr. 8 E and R amendments adopted. Schmit amendment adopted. Advanced for Engrossment 1408

Apr. 15 Correctly Engrossed.....1528
Apr. 15 E and R changes.....1529
Apr. 21 Final Reading.....1664
Apr. 21 President signed.....1670
Apr. 25 Presented to Governor 1690
Apr. 28 Approved by Governor (4-27) 1814

LEGISLATIVE BILL 506 By Haberman

Jan. 19 Read first time 254
Jan. 19 Referred to Committee on Public Works.....280
Jan. 26 Notice of hearing (2-10).....305
Mar. 9 Placed on General File 847
Mar. 14 Haberman priority bill 944
Mar. 24 Committee amendments adopted.
Advanced for Review 1133
Mar. 28 Placed on Select File 1200
Mar. 30 E and R amendments adopted.
Haberman amendment adopted.
Advanced for Engrossment 1261
Apr. 7 Correctly Engrossed.....1383
Apr. 7 E and R changes.....1385
Apr. 12 Final Reading.....1445
Apr. 12 President signed.....1449
Apr. 12 Presented to Governor 1451
Apr. 18 Approved by Governor (4-18) 1582

LEGISLATIVE BILL 507 By Beutler

Jan. 19 Read first time 254
Jan. 19 Referred to Committee on Judiciary 280
Feb. 11 Notice of hearing (3-9).....477
Feb. 16 Room change 550
Mar. 18 Placed on General File 1026

LEGISLATIVE BILL 508 By Beutler

Jan. 19 Read first time 254
Jan. 19 Referred to Committee on Banking,
Commerce and Insurance.....280
Feb. 8 Notice of hearing (2-22).....426
Mar. 8 Indefinitely postponed 837

LEGISLATIVE BILL 509 By Beutler

Jan. 19 Read first time 254

Jan. 19 Referred to Committee on Agriculture and Environment 280
Feb. 3 Notice of hearing (2-11).....387
Mar. 22 Indefinitely postponed 1065

LEGISLATIVE BILL 510 By Beutler

Jan. 19 Read first time 255
Jan. 19 Referred to Committee on Judiciary 280
Feb. 11 Notice of hearing (3-8).....477
Mar. 16 Indefinitely postponed 973

LEGISLATIVE BILL 511 By Beutler

Jan. 19 Read first time 255
Jan. 19 Referred to Committee on Judiciary 280
Feb. 11 Notice of hearing (3-8).....477
Mar. 18 Placed on General File 1024
Mar. 25 Advanced for Review 1161
Mar. 29 Placed on Select File 1236
Mar. 30 Advanced for Engrossment 1276
Apr. 8 Correctly Engrossed.....1411
Apr. 18 Final Reading 1562
Apr. 18 President signed 1568
Apr. 18 Presented to Governor 1569
Apr. 25 Approved by Governor (4-22) 1691

LEGISLATIVE BILL 512 By Beutler

Jan. 19 Read first time 255
Jan. 19 Referred to Committee on Public Works.....280
Feb. 10 Notice of hearing (3-2).....452
Mar. 24 Indefinitely postponed 1138

LEGISLATIVE BILL 513 By Abboud

Jan. 19 Read first time 255
Jan. 19 Referred to Committee on Urban Affairs 280
Feb. 23 Notice of hearing (3-2).....614

LEGISLATIVE BILL 514 By Cullan

Jan. 19 Read first time 256
Jan. 19 Referred to Committee on Education 280
Feb. 7 Notice of hearing (3-14).....417

LEGISLATIVE BILL 515 By Cullan

Jan. 19 Read first time 256
Jan. 19 Referred to Committee on Banking, Commerce and Insurance.....280
Feb. 8 Notice of hearing (2-22).....426
Mar. 9 Indefinitely postponed 867

LEGISLATIVE BILL 516 By Doyle

Jan. 19 Read first time 256
Jan. 19 Referred to Committee on Government, Military and Veterans Affairs 280
Jan. 28 Notice of hearing (3-3).....326
Apr. 27 Labedz name added.....1785

LEGISLATIVE BILL 517 By Fenger

Jan. 19 Read first time 256
Jan. 19 Referred to Committee on Public Health and Welfare.....280
Feb. 16 Notice of hearing (2-28).....550
Mar. 15 Nichol priority bill.....962

LEGISLATIVE BILL 518 By Kahle

Jan. 19 Read first time 256
Jan. 19 Referred to Committee on Government, Military and Veterans Affairs 280
Jan. 28 Notice of hearing (3-4).....327

LEGISLATIVE BILL 519 By Fowler, Schmit, Goodrich

Jan. 19 Read first time 256
Jan. 19 Referred to Committee on Nebraska Retirement Systems.....280
Jan. 26 Notice of hearing (2-24).....306
Mar. 18 Indefinitely postponed 1024

LEGISLATIVE BILL 520 By Cullan

Jan. 19 Read first time 257
Jan. 19 Referred to Committee on Revenue.....280
Feb. 7 Notice of hearing (2-14).....411
Feb. 25 Indefinitely postponed 663

LEGISLATIVE BILL 521 By Barrett

Jan. 19 Read first time 257
Jan. 19 Referred to Committee on Business and Labor 280
Jan. 28 Notice of hearing (2-16).....327
Feb. 8 Barrett motion to withdraw laid over.....437
Feb. 9 Barrett pending motion prevailed. Withdrawn.....439
Feb. 9 Notice of hearing (cancelled) 443

LEGISLATIVE BILL 522 By Kahle

Jan. 19 Read first time 257
Jan. 19 Referred to Committee on Miscellaneous Subjects 280
Feb. 2 Notice of hearing (2-11).....375
Feb. 14 Placed on General File.....508
Feb. 17 Advanced for Review.....574
Feb. 22 Placed on Select File 587
Feb. 23 Advanced for Engrossment.....621
Feb. 25 Correctly Engrossed.....675
Mar. 3 Final Reading.....749
Mar. 3 Speaker signed 757
Mar. 4 Presented to Governor 767
Mar. 10 Approved by Governor (3-9) 888

LEGISLATIVE BILL 523 By V. Johnson

Jan. 19 Read first time 257
Jan. 19 Referred to Committee on Business and Labor 280
Jan. 28 Notice of hearing (3-2).....327
May 19 Indefinitely postponed 2370

LEGISLATIVE BILL 524 By Labedz

Jan. 19 Read first time 257
Jan. 19 Referred to Committee on Business and Labor 280
Jan. 28 Notice of hearing (2-16).....327
Mar. 2 Placed on General File 714
Mar. 14 Business and Labor Committee priority bill.....932
Mar. 14 Labedz amendment printed 941
Mar. 29 Barrett amendment to Labedz amendment printed.....1213
Apr. 18 Hefner-Vickers amendment printed.....1582
Apr. 21 Hefner amendment printed.....1687
Apr. 26 Committee amendments adopted. Labedz pending amendment p. 941 adopted as amended

by Barrett pending amendment p. 1213. Wiitala amendment to Labedz amendment lost. Hefner-Vickers pending amendment p. 1582 ruled not germane. Hefner pending amendment p. 1687 withdrawn. Advanced for Review....1754
Apr. 28 Placed on Select File 1840
May 3 E and R amendment adopted. Advanced for Engrossment 1918
May 4 Correctly Engrossed....1962
May 10 Final Reading 2132
May 10 Kilgarin explanation of vote 2135
May 10 President signed. Marsh explanation of vote 2136
May 10 Presented to Governor 2158
May 16 Approved by Governor (5-16) 2267

LEGISLATIVE BILL 525 By Schmit, Kilgarin

Jan. 19 Read first time 258
Jan. 19 Referred to Committee on Judiciary 280
Feb. 11 Notice of hearing (3-9)....477
Feb. 16 Room change 550
Mar. 9 Chronister name added....869

LEGISLATIVE BILL 526 By Nebraska Retirement Systems Committee

Jan. 19 Read first time 258
Jan. 19 Referred to Committee on Nebraska Retirement Systems....280
Jan. 24 Notice of hearing (2-2)....292
Mar. 8 Placed on General File 830

LEGISLATIVE BILL 526A By Fowler

May 11 Read first time. Placed on General File....2193
May 12 Correction....2218

LEGISLATIVE BILL 527 By Appropriations Committee

Jan. 19 Read first time 258
Jan. 24 Referred to Committee on Appropriations....287
Jan. 31 Notice of hearing (2-14)....347
Mar. 14 Placed on General File 938

LEGISLATIVE BILL 528 By Warner

Jan. 19 Read first time 258
Jan. 24 Referred to Committee on Public Works.....287
Feb. 10 Notice of hearing (3-2).....452

LEGISLATIVE BILL 529 By Warner

Jan. 19 Read first time 259
Jan. 24 Referred to Committee on Appropriations.....288
Jan. 31 Notice of hearing (2-10).....347
Apr. 6 Placed on General File.....1340

LEGISLATIVE BILL 530 By Warner

Jan. 19 Read first time 259
Jan. 24 Referred to Committee on Revenue.....288
Feb. 22 Notice of hearing (3-14).....602
Mar. 24 Placed on General File 1119

LEGISLATIVE BILL 531 By DeCamp

Jan. 19 Read first time 259
Jan. 24 Referred to Committee on Nebraska Retirement Systems.....288
Jan. 24 Notice of hearing (2-7).....292
May 11 Placed on General File.....2200
May 17 Committee amendments adopted. Advanced for Review 2329
May 18 Chambers amendment printed 2365
May 19 Placed on Select File 2390
May 20 E and R amendments adopted. Chambers pending amendment p. 2365 withdrawn. Advanced for Engrossment.....2410
May 23 Correctly Engrossed.....2448
May 25 Nichol motion to suspend rules prevailed 2516
May 25 Final Reading 2527
May 25 President signed 2529
May 25 Presented to Governor 2530
June 2 Approved by Governor (5-26) 2546

LEGISLATIVE BILL 532 By V. Johnson

Jan. 19 Read first time 259
Jan. 24 Referred to Committee on Judiciary 288
Jan. 31 Notice of hearing (2-22).....342

Feb. 11 Notice of hearing (2-23) (reset) 476
Mar. 2 Indefinitely postponed 718

LEGISLATIVE BILL 533 By Haberman

Jan. 19 Read first time 259
Jan. 24 Referred to Committee on Agriculture and Environment 288
Jan. 24 Lamb name added 293
Jan. 25 Agriculture and Environment Committee name added 304
Jan. 27 Rereferred to Committee on Education.....315
Jan. 27 Haberman motion to rerefer laid over.....319
Jan. 28 Kahle name added 330
Feb. 2 Haberman pending motion p. 319 withdrawn 372
Feb. 7 Notice of hearing (3-7).....417
Mar. 8 Agriculture and Environment Committee priority bill.....834
Mar. 22 Indefinitely postponed 1081
Mar. 23 DeCamp-Haberman motion to place on General File laid over 1089
Mar. 24 DeCamp-Haberman pending motion prevailed....1108
Mar. 24 Warner amendment printed 1123
Mar. 30 Warner amendment printed 1261
Apr. 5 Pending.....1327
Apr. 5 Warner pending amendment p. 1123 withdrawn. Warner pending amendment p. 1261 lost. Advanced for Review 1329
Apr. 7 Vickers amendment printed 1371
Apr. 8 Placed on Select File 1402
Apr. 12 Vickers pending amendment p. 1371 withdrawn. Vickers amendment lost. Beutler-Vickers-Warner amendment adopted. Advanced for Engrossment 1455
Apr. 15 Correctly Engrossed.....1542
Apr. 15 E and R change.....1543
Apr. 21 Final Reading 1665
Apr. 21 President signed 1670
Apr. 25 Presented to Governor 1690
Apr. 28 Approved by Governor (4-27) 1814

LEGISLATIVE BILL 534 By Haberman

Jan. 19 Read first time 259
Jan. 24 Referred to Committee on Agriculture and Environment 288

Jan. 25 Agriculture and Environment Committee name added 304
Feb. 15 Notice of hearing (3-3).....516
Feb. 22 Notice of hearing (cancelled) 607

LEGISLATIVE BILL 535 By Haberman

Jan. 19 Read first time 259
Jan. 24 Referred to Committee on Agriculture and Environment 288
Jan. 25 Agriculture and Environment Committee name added 303
Feb. 3 Notice of hearing (2-11).....387
Feb. 22 Placed on General File.....604
Mar. 4 Advanced for Review 776
Mar. 8 Placed on Select File 814
Mar. 9 Advanced for Engrossment 850
Mar. 14 Correctly Engrossed 915
Mar. 17 Final Reading.....988
Mar. 17 Speaker signed 993
Mar. 17 Presented to Governor 1004
Mar. 24 Approved by Governor (3-23) 1108

LEGISLATIVE BILL 536 By Haberman

Jan. 19 Read first time 260
Jan. 24 Referred to Committee on Agriculture and Environment 288
Jan. 25 Agriculture and Environment Committee name added 303
Feb. 3 Notice of hearing (2-10).....387
Feb. 23 Placed on General File.....617
Mar. 25 Committee amendments adopted. Advanced for Review 1169
Apr. 5 Placed on Select File 1304
Apr. 6 E and R amendment adopted. Advanced for Engrossment 1367
Apr. 12 Correctly Engrossed.....1451
Apr. 20 Final Reading 1624
Apr. 20 President signed 1639
Apr. 20 Presented to Governor 1650
Apr. 25 Approved by Governor (4-25) 1710

LEGISLATIVE BILL 537 By Lamb

Jan. 19 Read first time 260

Jan. 24 Referred to Committee on Business and Labor 288
Jan. 28 Notice of hearing (2-23).....327
Mar. 10 Indefinitely postponed 891

LEGISLATIVE BILL 538 By Lamb

Jan. 19 Read first time 260
Jan. 24 Referred to Committee on Judiciary 288
Feb. 11 Notice of hearing (2-28).....476
Mar. 2 Placed on General File 718
Mar. 25 Committee amendment adopted. Advanced for Review 1175
Apr. 5 Placed on Select File 1306
Apr. 6 Advanced for Engrossment.....1367
Apr. 12 Correctly Engrossed.....1460
Apr. 20 Final Reading 1625
Apr. 20 President signed 1639
Apr. 20 Presented to Governor 1650
Apr. 25 Approved by Governor (4-25) 1710

LEGISLATIVE BILL 539 By Carsten

Jan. 19 Read first time 260
Jan. 24 Referred to Committee on Agriculture and Environment 288
Feb. 3 Notice of hearing (2-10).....387
Mar. 14 Carsten priority bill.....943
Mar. 23 Placed on General File 1093
Mar. 28 Haberman amendment to committee amendment printed.....1210
Mar. 30 Committee amendments adopted as amended by Haberman pending amendment. Advanced for Review 1277
Apr. 6 Placed on Select File 1347
Apr. 11 Haberman amendment printed 1437
Apr. 14 E and R amendments adopted. Carsten amendments adopted. Haberman pending amendment p. 1437 withdrawn. Advanced for Engrossment 1521
Apr. 19 Correctly Engrossed. E and R change 1604
Apr. 26 Final Reading 1745
Apr. 26 Speaker signed 1749
Apr. 26 Presented to Governor 1752
May 2 Approved by Governor (4-29) 1850

LEGISLATIVE BILL 539A By Carsten

Apr. 7 Read first time. Placed on General File 1383
Apr. 11 Advanced for Review.....1420
Apr. 13 Placed on Select File 1498
Apr. 14 Advanced for Engrossment.....1522
Apr. 19 Correctly Engrossed.....1604
Apr. 26 Final Reading 1746
Apr. 26 Speaker signed 1749
Apr. 26 Presented to Governor 1752
May 2 Approved by Governor (4-29) 1850

LEGISLATIVE BILL 540 By Wesely

Jan. 19 Read first time 260
Jan. 24 Referred to Committee on Urban Affairs 288
Feb. 16 Notice of hearing (2-23).....525
Mar. 14 Placed on General File 920

LEGISLATIVE BILL 541 By Wesely

Jan. 19 Read first time 260
Jan. 24 Referred to Committee on Public Health and Welfare.....288
Jan. 28 Notice of hearing (2-7).....327
Feb. 14 Placed on General File.....498
Mar. 25 Advanced for Review 1157
Mar. 28 Wesely amendment printed.....1185
Mar. 29 Placed on Select File 1212
Mar. 30 E and R amendment adopted. Wesely pending amendment adopted. Advanced for Engrossment 1265
Apr. 8 Correctly Engrossed.....1411
Apr. 8 E and R change.....1413
Apr. 18 Final Reading 1563
Apr. 18 President signed 1567
Apr. 18 Presented to Governor 1569
Apr. 25 Approved by Governor (4-22) 1691

LEGISLATIVE BILL 542 By Wesely

Jan. 19 Read first time 261
Jan. 24 Notice of hearing (2-1).....287
Jan. 24 Referred to Committee on Public Health and Welfare.....288
Feb. 4 Placed on General File.....397
Feb. 17 Committee amendments adopted. Advanced for Review 574

Feb. 22 Placed on Select File 587
Feb. 23 E and R amendments adopted.
Advanced for Engrossment 622
Feb. 25 Correctly Engrossed.....675
Mar. 17 Final Reading.....989
Mar. 17 Speaker signed 993
Mar. 17 Presented to Governor 1004
Mar. 24 Approved by Governor (3-23) 1108

LEGISLATIVE BILL 542A By Wesely

Feb. 28 Read first time. Placed on General File.....691
Mar. 3 Advanced for Review 756
Mar. 4 Placed on Select File 762
Mar. 9 Advanced for Engrossment 850
Mar. 14 Correctly Engrossed 915
Mar. 17 Final Reading.....990
Mar. 17 Speaker signed 993
Mar. 17 Presented to Governor 1004
Mar. 24 Approved by Governor (3-23) 1108

LEGISLATIVE BILL 543 By Wesely

Jan. 19 Read first time 261
Jan. 24 Referred to Committee on Business and Labor 288
Jan. 28 Notice of hearing (2-16).....327
Mar. 2 Placed on General File 719

LEGISLATIVE BILL 544 By Doyle

Jan. 19 Read first time 261
Jan. 24 Referred to Committee on Government,
Military and Veterans Affairs 288
Jan. 28 Notice of hearing (3-3).....326
Mar. 4 Doyle priority bill 787
Apr. 27 Labedz name added.....1785

LEGISLATIVE BILL 545 By Public Works Committee, Beutler

Jan. 19 Read first time 261
Jan. 24 Referred to Committee on Public Works.....288
Feb. 10 Notice of hearing (3-2).....453
Mar. 21 Placed on General File 1049

LEGISLATIVE BILL 546 By Fowler, Wesely

Jan. 19 Read first time 261
Jan. 24 Referred to Committee on Revenue 288
Feb. 7 Notice of hearing (2-15).....411
Feb. 16 Lundy name added.....538
Feb. 17 Lundy name withdrawn.....554
Feb. 22 Indefinitely postponed 607

LEGISLATIVE BILL 547 By Public Health and Welfare Committee

Jan. 19 Read first time 261
Jan. 24 Referred to Committee on Judiciary 288
Feb. 11 Notice of hearing (3-9).....477
Mar. 16 Indefinitely postponed 974

LEGISLATIVE BILL 548 By Kilgarin

Jan. 19 Read first time 262
Jan. 24 Referred to Committee on Banking, Commerce and Insurance.....288
Feb. 8 Notice of hearing (2-28).....427
Mar. 9 Indefinitely postponed 867

LEGISLATIVE BILL 549 By Kilgarin

Jan. 19 Read first time 262
Jan. 24 Referred to Committee on Government, Military and Veterans Affairs 288
Jan. 28 Notice of hearing (3-4).....327
Mar. 8 Indefinitely postponed 836

LEGISLATIVE BILL 550 By Kilgarin

Jan. 19 Read first time 262
Jan. 24 Referred to Committee on Government, Military and Veterans Affairs 288
Jan. 28 Notice of hearing (3-4).....327
Mar. 8 Indefinitely postponed 836

LEGISLATIVE BILL 551 By Eret, Wiitala

Jan. 19 Read first time 262
Jan. 24 Referred to Committee on Agriculture and Environment 288
Feb. 3 Notice of hearing (2-17).....387
Mar. 10 Attorney General's Opinion 870
Mar. 23 Placed on General File 1093

LEGISLATIVE BILL 552 By Fowler, Cullan

Jan. 19 Read first time 262
Jan. 24 Referred to Committee on Nebraska Retirement Systems.....288
Jan. 24 Notice of hearing (2-7).....292

LEGISLATIVE BILL 553 By Chambers

Jan. 19 Read first time 262
Jan. 24 Referred to Committee on Banking, Commerce and Insurance.....288
Jan. 27 Rereferred to Committee on Nebraska Retirement Systems.....315
Feb. 9 Notice of hearing (2-23).....443
Mar. 15 Nichol priority bill.....962
Apr. 26 Placed on General File.....1752
Apr. 27 Nichol priority bill withdrawn 1785

LEGISLATIVE BILL 554 By DeCamp

Jan. 19 Read first time 262
Jan. 24 Referred to Committee on Banking, Commerce and Insurance.....288
Feb. 8 Notice of hearing (2-28).....426

LEGISLATIVE BILL 555 By DeCamp

Jan. 19 Read first time 263
Jan. 24 Referred to Committee on Judiciary 288
Feb. 11 Notice of hearing (3-7).....477
Mar. 9 Indefinitely postponed 863

LEGISLATIVE BILL 556 By DeCamp

Jan. 19 Read first time 263
Jan. 24 Referred to Committee on Education 288
Jan. 28 Notice of hearing (2-15).....328
Feb. 22 Indefinitely postponed 601

LEGISLATIVE BILL 557 By DeCamp

Jan. 19 Read first time 263
Jan. 24 Referred to Committee on Banking, Commerce and Insurance.....288
Feb. 8 Notice of hearing (2-28).....426

Mar. 9 Indefinitely postponed 867

LEGISLATIVE BILL 558 By DeCamp

Jan. 19 Read first time 263
Jan. 24 Referred to Committee on Public Works.....288
Feb. 10 Notice of hearing (3-9).....453

LEGISLATIVE BILL 559 By Schmit, DeCamp, Beyer, Clark

Jan. 19 Read first time 263
Jan. 24 Referred to Committee on Public Works.....288
Feb. 10 Notice of hearing (3-4).....453
Feb. 16 DeCamp amendment printed 533

LEGISLATIVE BILL 560 By Wesely, Hannibal, H. Peterson, Abboud

Jan. 19 Read first time 264
Jan. 24 Referred to Committee on Revenue 288
Feb. 17 Notice of hearing (3-1).....573
Mar. 15 Placed on General File 961
Mar. 15 Nichol priority bill.....962
Mar. 22 Sieck amendment to committee amendment printed.....1066
Mar. 29 Hannibal-Wesely-Hefner-Lundy-Pappas-Sieck amendment printed.....1241
Apr. 5 Abboud amendment printed.....1325
Apr. 11 Committee amendment adopted as amended by Sieck pending amendment p. 1066. Newell and Vickers amendments to committee amendment lost 1432
Apr. 11 Newell amendment to Hannibal et al pending amendment p. 1241 pending 1438
Apr. 26 Newell pending amendment withdrawn. Hannibal et al pending amendment p. 1241 adopted. Abboud pending amendment p. 1325 adopted. V. Johnson motion to indefinitely postpone lost. Failed to advance for Review.....1757
May 9 Newell amendment withdrawn. Failed to advance for Review.....2110

LEGISLATIVE BILL 561 By DeCamp

Jan. 19 Read first time 264
Jan. 24 Referred to Committee on Public

Health and Welfare 288
Feb. 24 Notice of hearing (3-15) 655
Mar. 15 Nichol priority bill 962

LEGISLATIVE BILL 562 By Schmit, DeCamp

Jan. 19 Read first time 264
Jan. 24 Referred to Committee on Agriculture and Environment 288
Jan. 25 Haberman name added 304
Feb. 15 Notice of hearing (2-25) 516
Mar. 22 Indefinitely postponed 1065

LEGISLATIVE BILL 563 By Schmit, Cullan

Jan. 19 Read first time 264
Jan. 24 Referred to Committee on Judiciary 288
Feb. 11 Notice of hearing (3-8) 477
Apr. 5 Indefinitely postponed 1321

LEGISLATIVE BILL 564 By Executive Board

Jan. 19 Read first time 264
Jan. 24 Referred to Committee on Miscellaneous Subjects 288
Feb. 4 Notice of hearing (3-17) 403
Mar. 21 Placed on General File 1039

LEGISLATIVE BILL 565 By Executive Board

Jan. 19 Read first time 264
Jan. 24 Referred to Committee on Government, Military and Veterans Affairs 288
Jan. 26 Notice of hearing (2-10) 306
Mar. 4 Placed on General File 778
Mar. 14 Government, Military and Veterans Affairs Committee priority bill 944
Mar. 30 Hoagland motion to indefinitely postpone withdrawn. Cullan amendment as amended by Chambers lost 1278
Mar. 30 Hoagland amendment lost. Advanced for Review 1279
Apr. 6 Warner amendment printed 1366
Apr. 7 Placed on Select File 1373
Apr. 8 Hoagland amendment printed 1415
Apr. 11 Hoagland amendment printed 1429

Apr. 12 Warner pending amendment p. 1366 lost 1448
Apr. 12 Hoagland pending amendment p. 1429 lost. Hoagland pending amendment p. 1415 withdrawn. Hoagland amendment withdrawn. Advanced for Engrossment.....1449
Apr. 15 Correctly Engrossed.....1528
Apr. 21 Final Reading 1666
Apr. 21 President signed 1670
Apr. 25 Presented to Governor 1690
Apr. 28 Approved by Governor (4-27) 1814

LEGISLATIVE BILL 566 By Schmit

Jan. 19 Read first time 265
Jan. 24 Referred to Committee on Agriculture and Environment 288
Feb. 3 Notice of hearing (2-17).....387
Mar. 22 Indefinitely postponed 1065

LEGISLATIVE BILL 567 By Wiitala, DeCamp, Eret, Fowler

Jan. 19 Read first time 265
Jan. 24 Referred to Committee on Business and Labor 288
Jan. 28 Notice of hearing (2-23).....327
Mar. 22 Indefinitely postponed 1074

LEGISLATIVE BILL 568 By Education Committee

Jan. 19 Read first time 265
Jan. 24 Referred to Committee on Education 288
Jan. 28 Notice of hearing (2-15).....328
Feb. 22 Placed on General File.....600
Mar. 15 Nichol priority bill.....962

LEGISLATIVE BILL 568A By Vickers

Mar. 4 Read first time. Placed on Genral File 771

LEGISLATIVE BILL 569 By Hoagland

Jan. 19 Read first time 265
Jan. 24 Referred to Committee on Judiciary 288
Feb. 11 Notice of hearing (3-16).....477

LEGISLATIVE BILL 570 By Abboud

Jan. 19 Read first time 266
Jan. 24 Referred to Committee on Revenue 288
Feb. 17 Notice of hearing (3-1).....573
Mar. 4 Indefinitely postponed 771

LEGISLATIVE BILL 571 By V. Johnson

Jan. 19 Read first time 266
Jan. 24 Referred to Committee on Revenue 288
Feb. 7 Notice of hearing (2-15).....411
Feb. 23 Placed on General File.....623
Mar. 8 Fowler priority bill.....834
Mar. 22 Committee amendments adopted.
Advanced for Review 1057
Mar. 23 Placed on Select File 1104
Mar. 30 E and R amendment adopted.
Hefner motion to indefinitely
postpone laid over.....1257
Apr. 6 Hefner pending motion lost 1343
Apr. 6 H. Peterson amendment lost.
Advanced for Engrossment 1348
Apr. 7 Wesely name added 1373
Apr. 11 Correctly Engrossed. E and R change 1436
May 12 Final Reading 2244
May 12 President signed 2247
May 12 Presented to Governor 2253
May 17 Approved by Governor (5-17) 2330

LEGISLATIVE BILL 571A By V. Johnson

Mar. 14 Read first time. Placed on General File.....932
Mar. 22 Advanced for Review 1058
Mar. 23 Placed on Select File 1105
Apr. 6 Advanced for Engrossment.....1349
Apr. 11 Correctly Engrossed.....1436
May 12 Final Reading 2245
May 12 President signed 2247
May 12 Presented to Governor 2253
May 17 Approved by Governor (5-17) 2330

LEGISLATIVE BILL 572 By Urban Affairs Committee

Jan. 19 Read first time 266
Jan. 24 Referred to Committee on Urban Affairs 288
Feb. 9 Notice of hearing (2-16).....439
Feb. 28 Indefinitely postponed 692

LEGISLATIVE BILL 573 By Haberman, Pappas, Remmers, Chronister, R. Peterson, Wiitala

Jan.	19	Read first time 266
Jan.	24	Referred to Committee on Agriculture and Environment 288
Feb.	3	Notice of hearing (2-11).....387
Feb.	22	Placed on General File.....604
Mar.	4	Vickers amendment printed 770
Mar.	4	Advanced for Review 776
Mar.	8	Placed on Select File 814
Mar.	9	Haberman amendment printed 868
Mar.	14	Advanced for Engrossment 939
Mar.	17	Correctly Engrossed 979
Mar.	21	Vickers amendment printed 1042
Mar.	24	Haberman amendment printed 1107
Mar.	31	Haberman amendment printed 1288
Apr.	27	Vickers pending amendment p. 770 withdrawn. Haberman pending amendments p. 868 and p. 1107 withdrawn. Returned to Select File for Vickers pending amendment p. 1042. Vickers pending amendment adopted. Advanced for Re-Engrossment. Returned to Select File for Haberman pending amendment p. 1288.....1775
Apr.	27	Haberman pending amendment adopted. Advanced for Re-Engrossment 1776
Apr.	27	Returned to Select File for Warner amendment. Warner amendment adopted. Advanced for Re-Engrossment 1777
May	3	Correctly Re-Engrossed. E and R change 1901
May	6	Final Reading 2046
May	6	Speaker signed 2064
May	6	Presented to Governor 2065
May	12	Approved by Governor (5-12) 2251

LEGISLATIVE BILL 573A By Haberman

Mar.	16	Read first time. Placed on General File.....968
Mar.	21	Advanced for Review 1034
Mar.	23	Placed on Select File 1089
Mar.	28	Advanced for Engrossment 1207
Apr.	5	Correctly Engrossed.....1304
May	6	Final Reading 2047
May	6	Speaker signed 2064
May	6	Presented to Governor 2065

May 12 Approved by Governor (5-12) 2251

LEGISLATIVE BILL 574 By Abboud

Jan. 19 Read first time 266
Jan. 24 Referred to Committee on Public Works.....288
Feb. 10 Notice of hearing (3-3).....453
Mar. 24 Indefinitely postponed 1138

LEGISLATIVE BILL 575 By Abboud

Jan. 19 Read first time 267
Jan. 24 Referred to Committee on Miscellaneous Subjects 288
Feb. 2 Notice of hearing (2-25).....375
Mar. 21 Indefinitely postponed 1039

LEGISLATIVE BILL 576 By Schmit

Jan. 19 Read first time 271
Jan. 24 Referred to Committee on Agriculture and Environment 288
Feb. 15 Notice of hearing (2-24).....516
Mar. 8 Administrative Rules and Regulations Review Committee priority bill 837
Mar. 9 Placed on General File 863
Mar. 16 Priority bill withdrawn 969

LEGISLATIVE BILL 577 By Fowler, Beutler, Landis, DeCamp, Kilgarin, Hoagland, Wiitala, Labedz, Morehead, Newell, Goodrich, V. Johnson, Hannibal

Jan. 19 Read first time 271
Jan. 24 Referred to Committee on Appropriations.....289
Jan. 31 Notice of hearing (2-28).....349
Mar. 14 Indefinitely postponed 938

LEGISLATIVE BILL 578 By Fowler, Doyle

Jan. 19 Read first time 271
Jan. 24 Referred to Committee on Public Works.....289
Feb. 10 Notice of hearing (3-3).....453

LEGISLATIVE BILL 579 By Haberman, Eret, Pappas, Remmers, Chronister, R. Peterson, Wiitala

Jan. 19 Read first time 272
Jan. 24 Referred to Committee on Agriculture and Environment 289
Feb. 3 Notice of hearing (2-11) 387
Feb. 28 Placed on General File 692
Mar. 4 Advanced for Review 777
Mar. 9 Placed on Select File 842
Mar. 14 Advanced for Engrossment 940
Mar. 17 Correctly Engrossed 979
Mar. 31 Haberman amendment printed 1289
Apr. 15 Returned to Select File for Haberman pending amendment. Haberman pending amendment adopted. Advanced for Re-Engrossment 1532
Apr. 20 Correctly Re-Engrossed 1644
Apr. 28 Final Reading 1820
Apr. 28 Higgins explanation of vote 1828
Apr. 28 President signed 1830
Apr. 28 Presented to Governor 1836
May 5 Approved by Governor (5-4) 1990

LEGISLATIVE BILL 579A By Haberman

Mar. 16 Read first time. Placed on General File 969
Mar. 21 Advanced for Review 1035
Mar. 23 Placed on Select File 1089
Mar. 28 Advanced for Engrossment 1207
Apr. 5 Correctly Engrossed 1304
Apr. 28 Final Reading 1821
Apr. 28 Higgins explanation of vote 1828
Apr. 28 President signed 1830
Apr. 28 Presented to Governor 1836
May 5 Approved by Governor (5-4) 1990

LEGISLATIVE BILL 580 By Wiitala, Haberman, Eret, Pappas, Remmers, Chronister, R. Peterson

Jan. 19 Read first time 272
Jan. 24 Referred to Committee on Agriculture and Environment 289
Feb. 3 Notice of hearing (2-10) 387

LEGISLATIVE BILL 581 By Vickers, Barrett, Labedz, Warner

Jan. 19 Read first time 272
Jan. 24 Referred to Committee on Appropriations 289

Jan. 31 Notice of hearing (2-10) 347

LEGISLATIVE BILL 582 By Fowler, DeCamp

Jan. 19 Read first time 272
Jan. 24 Referred to Committee on Banking, Commerce and Insurance.....289
Feb. 8 Notice of hearing (2-28).....426

LEGISLATIVE BILL 583 By R. Peterson, Cullan

Jan. 19 Read first time 272
Jan. 24 Referred to Committee on Public Health and Welfare.....289
Jan. 28 Notice of hearing (2-7).....327
Feb. 16 Placed on General File.....551
Mar. 10 R. Peterson amendment printed 890
May 6 R. Peterson amendments printed.....2097
May 10 Committee amendments adopted. R. Peterson pending amendment p. 890 withdrawn. R. Peterson pending amendment (2) p. 2097 adopted. Advanced for Review 2145
May 10 R. Peterson pending amendment (1) p. 2097 withdrawn.....2151
May 11 Placed on Select File 2191
May 19 E and R amendment adopted. Advanced for Engrossment 2400
May 20 Correctly Engrossed.....2426
May 24 Nichol motion to suspend rules prevailed 2489
May 24 Marsh motion to return to Select File lost. Wesely and V. Johnson motions to return to Select File withdrawn. Final Reading 2495
May 24 Correctly Enrolled 2498
May 24 President signed 2499
May 24 Presented to Governor 2502
May 25 Approved by Governor (5-25) 2536

LEGISLATIVE BILL 584 By Education Committee

Jan. 19 Read first time 273
Jan. 24 Referred to Committee on Education 289
Jan. 28 Notice of hearing (2-15).....328
Feb. 22 Indefinitely postponed 601

LEGISLATIVE BILL 585 By Education Committee

Jan. 19 Read first time 273
Jan. 24 Referred to Committee on Education 289
Jan. 28 Notice of hearing (2-15).....328
Feb. 28 Placed on General File.....679
Mar. 14 Education Committee priority bill.....943
Mar. 31 Vickers amendment to committee amendment printed. Vickers amendment printed 1302
Apr. 11 Committee amendments adopted as amended by Vickers pending amendment p. 1302. Vickers pending amendment p. 1302 adopted. Warner amendment adopted 1428
Apr. 11 Lamb motion to indefinitely postpone withdrawn. Advanced for Review 1429
Apr. 18 Placed on Select File 1546
Apr. 18 DeCamp amendment printed 1552
Apr. 18 DeCamp amendment printed 1553
Apr. 19 DeCamp amendments printed 1590
Apr. 19 Remmers amendment printed.....1601
Apr. 20 DeCamp pending amendment p. 1552 ruled not germane. DeCamp pending amendments p. 1553 and p. 1590 withdrawn. Remmers pending amendment p. 1601 adopted. Warner and Remmers amendments adopted. Advanced for Engrossment 1657
Apr. 26 Correctly Engrossed.....1739
Apr. 26 E and R change.....1740
Apr. 28 Vickers amendment printed 1841
May 9 Returned to Select File for Vickers pending amendment p. 1841. Vickers pending amendment adopted. Advanced for Re-Engrossment 2100
May 11 Correctly Re-Engrossed. E and R change 2187
May 16 Marsh motion to suspend rules prevailed 2292
May 16 Final Reading 2298
May 16 Speaker signed 2300
May 17 Presented to Governor 2303
May 23 Approved by Governor (5-20) 2440

LEGISLATIVE BILL 585A By Vickers

Mar. 4 Read first time. Placed on General File.....772
Apr. 11 Advanced for Review.....1430
Apr. 18 Placed on Select File 1546
Apr. 20 Advanced for Engrossment.....1659
Apr. 25 Vickers amendment printed 1724
Apr. 26 Correctly Engrossed.....1739

May 2 Returned to Select File for Vickers pending amendment. Vickers pending amendment adopted. Advanced for Re-Engrossment 1883
May 3 Correctly Re-Engrossed.....1928
May 16 Marsh motion to suspend rules prevailed 2292
May 16 Final Reading 2299
May 16 Speaker signed 2300
May 17 Presented to Governor 2303
May 23 Approved by Governor (5-20) 2440

LEGISLATIVE BILL 586 By Schmit, DeCamp

Jan. 19 Read first time 273
Jan. 24 Referred to Committee on Revenue.....289
Feb. 17 Notice of hearing (2-28).....573
Mar. 15 Nichol priority bill.....962
Mar. 31 Attorney General's Opinion 1286
Apr. 11 Attorney General's Opinion 1426
Apr. 28 Attorney General's Opinion 1836

LEGISLATIVE BILL 587 By DeCamp, Schmit, Lamb, Kahle

Jan. 19 Read first time 273
Jan. 24 Referred to Committee on Agriculture and Environment 289
Feb. 15 Notice of hearing (2-25).....516
Mar. 22 Placed on General File 1065
Mar. 25 Advanced for Review 1163
Mar. 29 Placed on Select File 1236
Mar. 30 Newell motion to indefinitely postpone withdrawn. Advanced for Engrossment.....1276
Apr. 8 Correctly Engrossed.....1411
Apr. 18 Final Reading 1564
Apr. 18 President signed 1567
Apr. 18 Presented to Governor 1569
Apr. 25 Approved by Governor (4-22) 1691

LEGISLATIVE BILL 588 By Hoagland, Nichol

Jan. 19 Read first time 273
Jan. 24 Referred to Committee on Judiciary 289
Jan. 31 Notice of hearing (2-23).....342
Mar. 23 Indefinitely postponed 1101
Mar. 25 Nichol-Hoagland motion to place on General File laid over 1180
Mar. 30 Nichol-Hoagland pending motion lost 1254

LEGISLATIVE BILL 589 By Hoagland

Jan. 19 Read first time 274
Jan. 24 Referred to Committee on Judiciary 289
Feb. 11 Notice of hearing (3-1).....476
Mar. 23 Indefinitely postponed 1101

LEGISLATIVE BILL 590 By Chronister

Jan. 19 Read first time 274
Jan. 24 Referred to Committee on Judiciary 289
Jan. 31 Notice of hearing (2-16).....342
Apr. 25 Placed on General File.....1707

LEGISLATIVE BILL 591 By Law Enforcement and Justice Advisory Committee

Jan. 19 Read first time 274
Jan. 24 Referred to Committee on Judiciary 289
Feb. 11 Notice of hearing (3-16).....477
Mar. 23 Placed on General File 1101

LEGISLATIVE BILL 592 By Law Enforcement and Justice Advisory Committee

Jan. 19 Read first time 274
Jan. 24 Referred to Committee on Judiciary 289
Feb. 11 Notice of hearing (3-16).....477
Mar. 24 Indefinitely postponed 1123

LEGISLATIVE BILL 593 By Law Enforcement and Justice Advisory Committee

Jan. 19 Read first time 274
Jan. 24 Referred to Committee on Judiciary 289
Feb. 11 Notice of hearing (3-16).....477
Mar. 23 Indefinitely postponed 1101

LEGISLATIVE BILL 594 By Law Enforcement and Justice Advisory Committee

Jan. 19 Read first time 275
Jan. 24 Referred to Committee on Judiciary 289
Jan. 31 Notice of hearing (2-14).....342
Feb. 17 Placed on General File.....581
Mar. 10 Committee amendment adopted.

Advanced for Review 906
Mar. 16 Placed on Select File 968
Mar. 17 E and R amendments adopted.
Advanced for Engrossment 1003
Mar. 23 Correctly Engrossed 1083
Mar. 29 Final Reading 1219
Mar. 29 President signed 1225
Mar. 29 Presented to Governor 1230
Apr. 5 Approved by Governor (4-4) 1307

LEGISLATIVE BILL 595 By Hoagland

Jan. 19 Read first time 275
Jan. 24 Referred to Committee on Public Works 289
Feb. 10 Notice of hearing (3-3) 453
Mar. 24 Placed on General File 1138

LEGISLATIVE BILL 596 By Hoagland

Jan. 19 Read first time 275
Jan. 24 Referred to Committee on Public Works 289
Feb. 10 Notice of hearing (3-4) 453

LEGISLATIVE BILL 597 By Kilgarin, DeCamp, Fowler, V. Johnson, Schmit, Kahle, Hefner, Carsten, Chambers

Jan. 19 Read first time 275
Jan. 24 Referred to Committee on Revenue 289
Feb. 17 Notice of hearing (2-28) 573

LEGISLATIVE BILL 598 By Schmit

Jan. 19 Read first time 276
Jan. 24 Referred to Committee on Judiciary 289
Feb. 11 Notice of hearing (3-8) 477

LEGISLATIVE BILL 599 By Schmit

Jan. 19 Read first time 276
Jan. 24 Referred to Committee on Banking,
Commerce and Insurance 289
Jan. 27 Goodrich name added 315
Feb. 8 Notice of hearing (2-22) 426
Mar. 9 Placed on General File 867
Mar. 25 Advanced for Review 1157
Mar. 28 Schmit amendment printed 1186

Mar. 29 Placed on Select File 1235
Mar. 30 E and R amendments adopted. Passed over 1266
Mar. 30 Schmit pending amendment p. 1186 adopted. Advanced for Engrossment 1270
Apr. 8 Correctly Engrossed.....1411
Apr. 8 E and R change.....1413
Apr. 25 Attorney General's Opinion 1699
May 5 Attorney General's Opinion 2003
May 6 Goodrich amendment printed.....2077
May 19 Attorney General's Opinion 2392
May 19 Schmit-Goodrich amendment printed.....2402
May 20 Hoagland amendment printed 2438
May 23 Goodrich pending amendment p. 2077 withdrawn. Returned to Select File for Schmit-Goodrich pending amendment p. 2402. Schmit-Goodrich pending amendment adopted. Advanced for Re-Engrossment. Returned to Select File for Goodrich-Schmit amendment. Goodrich-Schmit amendment adopted. Advanced for Re-Engrossment 2457
May 23 Returned to Select File for Beutler amendment. Beutler amendment adopted. Advanced for Re-Engrossment. Hoagland motion to return to Select File lost. Hoagland pending amendment p. 2438 withdrawn. Beutler motion to return to Select File lost 2458
May 23 Correctly Re-Engrossed. E and R change 2479
May 25 Nichol motion to suspend rules prevailed 2516
May 25 Final Reading 2530
May 25 President signed 2534
May 25 Presented to Governor 2539
June 2 Approved by Governor (5-26) 2546

LEGISLATIVE BILL 600 By Fowler

Jan. 19 Read first time 276
Jan. 24 Referred to Committee on Revenue.....289
Feb. 7 Notice of hearing (2-14).....411
Feb. 22 Indefinitely postponed 607

LEGISLATIVE BILL 601 By Nichol at request of Governor

Feb. 1 Read first time 365
Feb. 4 Referred to Committee on Appropriations.....407

Mar. 1 Notice of hearing (3-9) 702

LEGISLATIVE BILL 602 By Nichol at request of Governor

Feb. 1 Read first time 365
Feb. 4 Referred to Committee on Appropriations 407
Feb. 17 Notice of hearing (2-25) 577
Mar. 23 Placed on General File 1100
Mar. 28 Committee amendments adopted.
Advanced for Review 1208
Mar. 30 Warner amendment printed 1247
Mar. 30 Warner amendment to Warner
pending amendment printed 1251
Mar. 31 Appropriations Committee amendment printed ...1295
Apr. 5 Placed on Select File 1307
Apr. 6 Warner amendment to Warner pending
amendment p. 1247 printed 1355
Apr. 8 E and R amendment adopted. Pending 1406
Apr. 8 Warner pending amendment p. 1251 withdrawn.
Warner pending amendment p. 1247
lost as amended by Warner pending
amendment p. 1355. Appropriations Committee
pending amendment p. 1295 adopted.
Advanced for Engrossment. Expedited 1407
Apr. 11 Correctly Engrossed. E and R change 1436
Apr. 18 Final Reading 1549
Apr. 18 President signed 1567
Apr. 18 Presented to Governor 1569
Apr. 20 Warner motion to return bill from
Governor prevailed. Communication. Letter ...1642
Apr. 20 Warner motion to reconsider passage prevailed.
Returned to Select File for Warner
amendment. Warner amendment adopted.
Advanced for Re-Engrossment. Expedited 1643
Apr. 20 Correctly Re-Engrossed 1654
Apr. 26 Final Reading 1734
Apr. 26 Speaker signed 1749
Apr. 26 Presented to Governor 1752
May 2 Approved by Governor.
Line item veto (5-4) 1852
May 2 Attorney General's Opinion 1872
May 4 Appropriations Committee report 1943
May 4 Schmit motion to override veto lost 1944
May 4 Warner motion to suspend rules prevailed 1945
May 4 Communication 1954
May 4 Letter 1971

LEGISLATIVE BILL 603 By Nichol at request of Governor

Feb.	1	Read first time 366
Feb.	4	Referred to Committee on Banking, Commerce and Insurance.....407
Feb.	8	Notice of hearing (3-1).....427
Mar.	3	Attorney General's Opinion 753
Mar.	8	Indefinitely postponed 837

LEGISLATIVE BILL 604 By Nichol at request of Governor

Feb.	1	Read first time 366
Feb.	4	Referred to Committee on Revenue.....407
Feb.	22	Notice of hearing (3-16).....603
Mar.	15	Nichol priority bill.....962
Apr.	19	Indefinitely postponed 1601
Apr.	25	Carsten motion to place on General File laid over 1719
May	2	Carsten pending motion prevailed 1854
May	2	Carsten amendment adopted. Advanced for Review 1855
May	4	Placed on Select File 1972
May	5	Fowler amendment printed.....1999
May	6	Sieck amendment printed 2039
May	9	Carsten amendment printed 2112
May	10	E and R amendments adopted. Fowler pending amendment p. 1999 adopted as amended by Fowler. Sieck pending amendment p. 2039 lost. Carsten pending amendment p. 2112 adopted. Kahle amendment lost. Advanced for Engrossment 2162
May	16	Kahle amendment printed.....2292
May	16	Correctly Engrossed. E and R change 2294
May	19	Returned to Select File for Kahle pending amendment p. 2292. Kahle pending amendment adopted. Advanced for Re-Engrossment 2394
May	20	Correctly Re-Engrossed. E and R change 2433
May	24	Nichol motion to suspend rules prevailed 2489
May	24	Final Reading 2501
May	24	President signed 2502
May	24	Presented to Governor 2503
May	25	Approved by Governor (5-25) 2536

LEGISLATIVE BILL 605 By Nichol at request of Governor

Feb.	1	Read first time 366
Feb.	4	Referred to Committee on Appropriations.....407
Mar.	1	Notice of hearing (3-9) 702
Mar.	25	Placed on General File 1164
Apr.	5	Advanced for Review.....1319
Apr.	6	Placed on Select File 1348
Apr.	13	Advanced for Engrossment.....1483
Apr.	18	Correctly Engrossed.....1580
Apr.	26	Final Reading 1741
Apr.	26	Speaker signed 1749
Apr.	26	Presented to Governor 1752
May	2	Approved by Governor (4-29) 1850

LEGISLATIVE BILL 606 By Nichol at request of Governor

Feb.	1	Read first time 366
Feb.	4	Referred to Committee on Government, Military and Veterans Affairs 407
Feb.	11	Notice of hearing (3-10).....470
Mar.	3	Attorney General's Opinion 753

LEGISLATIVE BILL 607 By Nichol at request of Governor

Feb.	1	Read first time 367
Feb.	4	Referred to Committee on Appropriations.....407
Feb.	17	Notice of hearing (2-25).....577
Apr.	5	Placed on General File.....1316
Apr.	6	Warner motion to suspend rules lost 1341
Apr.	7	Committee amendments adopted. Advanced for Review 1376
Apr.	13	Placed on Select File 1481
Apr.	14	E and R amendment adopted. Advanced for Engrossment 1519
Apr.	15	Warner amendment printed 1541
Apr.	15	Bracket 1544
May	5	Warner amendment printed 2038
May	6	Returned to Select File for Warner pending amendment p. 1541. Warner pending amendment adopted. Advanced for Engrossment. Returned to Select File for Warner pending amendment p. 2038. Warner pending amendment adopted. Advanced for Engrossment 2049
May	6	Returned to Select File for Carsten amendment. Carsten amendment adopted. Advanced for Engrossment 2050

May 10 Correctly Engrossed....2166
May 10 E and R change....2167
May 12 Nichol motion to suspend rules prevailed....2225
May 12 Final Reading....2249
May 12 President signed....2251
May 12 Presented to Governor....2253
May 17 Approved by Governor (5-17)....2330

LEGISLATIVE BILL 608 By Nichol at request of Governor

Feb. 1 Read first time....367
Feb. 4 Referred to Committee on Appropriations....407
Mar. 1 Notice of hearing (3-9)....702
Mar. 25 Placed on General File....1167
Apr. 5 Committee amendments adopted. Advanced for Review....1319
Apr. 6 Placed on Select File....1348
Apr. 12 Appropriations Committee amendment printed....1466
Apr. 13 Appropriations Committee pending amendment adopted. Advanced for Engrossment....1483
Apr. 18 Correctly Engrossed....1580
Apr. 26 Passed over....1742
May 6 Returned to Select File for Warner amendment. Warner amendment adopted. Advanced for Re-Engrossment....2048
May 10 Correctly Re-Engrossed....2150
May 12 Nichol motion to suspend rules prevailed....2225
May 12 Final Reading....2250
May 12 President signed....2251
May 12 Presented to Governor....2253
May 17 Approved by Governor (5-17)....2330

LEGISLATIVE BILL 609 By Nichol at request of Governor

Feb. 1 Read first time....367
Feb. 4 Referred to Committee on Public Works....407
Feb. 10 Notice of hearing (3-2)....453
Mar. 8 DeCamp amendment printed....827
Mar. 24 Indefinitely postponed....1138

LEGISLATIVE BILL 610 By Nichol at request of Governor

Feb. 1 Read first time....367
Feb. 4 Referred to Committee on Constitutional Revision and Recreation....407
Feb. 11 Notice of hearing (3-4)....488

Mar. 9 Placed on General File 847
Apr. 6 Warner motion to suspend rules lost 1341
Apr. 8 Committee amendment adopted.
Advanced for Review 1399
Apr. 13 Placed on Select File 1490
Apr. 15 E and R amendment adopted.
Advanced for Engrossment 1534
Apr. 21 Correctly Engrossed.....1669
Apr. 21 E and R change.....1670
May 3 Returned to Select File for Beutler amendment. Beutler amendment adopted. Advanced for Re-Engrossment. Returned to Select File for Beutler amendment. Beutler amendment adopted.
Advanced for Re-Engrossment 1900
May 4 Correctly Re-Engrossed.....1962
May 10 Final Reading 2132
May 10 Kilgarin explanation of vote 2135
May 10 President signed 2136
May 10 Presented to Governor 2158
May 16 Approved by Governor (5-16) 2267

LEGISLATIVE BILL 611 By Performance Review and Audit Committee

Feb. 25 Read first time 672
Mar. 2 Referred to Committee on Public Health and Welfare.....720
Mar. 8 Notice of hearing (3-15) 822
Mar. 22 Indefinitely postponed 1058
Mar. 22 Warner motion to place on General File laid over 1079
Mar. 29 Warner pending motion lost.....1223
Mar. 30 Chambers motion to reconsider Warner motion laid over 1271
Apr. 8 Chambers pending motion lost.....1398

LEGISLATIVE BILL 612 By Performance Review and Audit Committee

Feb. 25 Read first time 673
Mar. 2 Referred to Committee on Government, Military and Veterans Affairs 720
Mar. 3 Notice of hearing (3-10) 751
Mar. 23 Indefinitely postponed 1094

LEGISLATIVE BILL 613 By Performance Review and Audit Committee

Feb. 25 Read first time 673
Mar. 2 Referred to Committee on Education 720
Mar. 8 Notice of hearing (3-15) 834
Apr. 12 Indefinitely postponed 1461

LEGISLATIVE BILL 614 By Performance Review and Audit Committee

Feb. 25 Read first time 673
Mar. 2 Referred to Committee on Judiciary 720
Mar. 8 Notice of hearing (3-15) 834
Mar. 9 Notice of hearing (cancelled) 841
Mar. 9 Notice of hearing (3-16) (reset) 867
Apr. 5 Indefinitely postponed 1321

LEGISLATIVE BILL 615 By Performance Review and Audit Committee

Feb. 25 Read first time 673
Mar. 2 Referred to Committee on Appropriations 720
Mar. 2 Notice of hearing (3-15) 721
Apr. 25 Placed on General File 1715
May 5 Committee amendments adopted.
Advanced for Review 1990
May 5 Schmit amendment printed 1996
May 9 Placed on Select File 2114
May 11 Warner amendment printed 2215
May 17 Warner amendment printed 2329
May 17 Warner amendment printed 2331
May 19 E and R amendment adopted.
Schmit pending amendment p. 1996 withdrawn. Warner pending amendment p. 2215 withdrawn. Warner pending amendments p. 2331 and p. 2329 adopted. Marsh amendment adopted.
Advanced for Engrossment 2405
May 20 Correctly Engrossed 2433
May 20 E and R change 2434
May 24 Nichol motion to suspend rules prevailed 2489
May 24 Final Reading 2500
May 24 President signed 2502
May 24 Presented to Governor 2503
May 25 Approved by Governor.

Line item veto (5-25) 2533
May 25 Appropriations Committee report 2539
May 25 Barrett-Chambers-Cullan-DeCamp-Fenger-Landis-R. Peterson-Marsh motion to override veto prevailed 2540
May 25 Communication 2541
May 25 Certificate 2542
June 2 Letter 2548
June 2 Certificate 2549

LEGISLATIVE BILL 616 By Performance Review and Audit Committee

Feb. 25 Read first time 674
Mar. 2 Referred to Committee on Education 720
Mar. 8 Notice of hearing (3-15) 834
Mar. 9 Correction 841
Mar. 18 Indefinitely postponed 1024

LEGISLATIVE BILL 617 By Appropriations Committee

Feb. 25 Read first time 674
Mar. 2 Referred to Committee on Appropriations. Notice of hearing (3-15) 721
Mar. 14 Appropriations Committee priority bill 943
Mar. 25 Placed on General File 1171
Mar. 31 Appropriations Committee amendments printed .. 1296
Apr. 6 Warner motion to suspend rules lost 1341
Apr. 7 Committee amendments adopted as amended by Kilgarin-Morehead amendment. Appropriations Committee pending amendments p. 1296 adopted. Chambers amendment adopted. Advanced for Review 1374
Apr. 7 Hannibal amendment printed 1379
Apr. 8 Eret amendment printed 1414
Apr. 11 Placed on Select File 1417
Apr. 11 Chambers amendment printed 1437
Apr. 12 Appropriations Committee amendment printed ... 1466
Apr. 14 Warner amendment printed 1520
Apr. 15 E and R amendment adopted. Hannibal pending amendment p. 1379 lost. Passed over 1533
Apr. 18 Eret pending amendment p. 1414 adopted. Chambers pending amendment p. 1437 adopted. Appropriations Committee pending amendment p. 1466 adopted.

Beutler-Vickers amendment lost.
Warner pending amendment p. 1520
adopted. Kilgarin-Morehead amendment
adopted as amended by Hannibal.
Lamb and Chambers amendments
lost. Advanced for Engrossment 1569
Apr. 26 Correctly Engrossed.....1739
Apr. 26 E and R change.....1740
Apr. 26 Chambers amendment printed 1756
Apr. 26 R. Peterson amendment printed.....1757
Apr. 26 Bracket 1764
May 3 Schmit amendment printed.....1924
May 4 Returned to Select File for R. Peterson
pending amendment p. 1707.
R. Peterson pending amendment adopted.
Advanced for Re-Engrossment 1975
May 4 Returned to Select File for Schmit
pending amendment p. 1924. Schmit
pending amendment adopted.
Advanced for Re-Engrossment.
Chambers and Newell motions to
return to Select File lost 1976
May 5 Haberman motion to reconsider
laid over 2029
May 9 Haberman pending motion withdrawn 2127
May 10 Correctly Re-Engrossed. E and R change 2142
May 10 Chambers amendment printed 2150
May 12 Nichol motion to suspend rules prevailed 2225
May 12 Chambers motions to return to Select
File lost.....2251
May 12 Final Reading 2258
May 12 Haberman-DeCamp-Chronister motion to
reconsider prevailed. Final Reading 2260
May 12 President signed 2261
May 16 Correction.....2262
May 16 Presented to Governor 2263
May 17 Approved by Governor (5-17) 2330

LEGISLATIVE BILL 618 By Appropriations Committee

Feb. 25 Read first time 674
Mar. 2 Referred to Committee on Appropriations.
Notice of hearing (3-14) 721
Mar. 14 Appropriations Committee priority bill 943
Apr. 5 Placed on General File.....1317
Apr. 6 Warner motion to suspend rules lost 1341

Apr. 6 Attorney General's Opinion 1358
Apr. 7 Committee amendments adopted.
Advanced for Review 1376
Apr. 13 Placed on Select File 1481
Apr. 15 Advanced for Engrossment. Bracket.....1534
Apr. 18 DeCamp amendment printed 1555
Apr. 19 Warner amendment printed 1612
Apr. 20 DeCamp amendment printed 1651
May 4 Wesely-Warner amendment printed.....1967
May 6 DeCamp pending amendments p. 1555 and p. 1651 withdrawn. Warner-Wesely motion to return to Select File for pending amendment p. 1967 ruled not germane. Warner-Wesely motion to suspend rules lost 2056
May 6 Warner motion to suspend rules lost 2064
May 10 Letter.....2135
May 18 Unbracket.....2352
May 23 Final Reading.....2444
May 23 President signed.....2445
May 23 Presented to Governor 2447
May 25 Approved by Governor (5-25) 2536

LEGISLATIVE BILL 619 By DeCamp, Carsten

Feb. 28 Read first time 678
Mar. 2 Referred to Committee on Revenue.....721
Mar. 3 Notice of hearing (3-16) 758
Mar. 14 Revenue Committee priority bill 943
Mar. 24 Placed on General File 1119
Mar. 31 DeCamp-Carsten amendment printed.....1302
Apr. 5 Haberman amendment printed 1323
Apr. 6 Attorney General's Opinion 1359
Apr. 11 DeCamp amendment printed 1432
Apr. 12 DeCamp amendment printed 1471
Apr. 27 Committee amendments adopted.
Advanced for Review 1807
May 3 Placed on Select File 1895
May 10 E and R amendments adopted.
DeCamp-Carsten pending amendment p. 1302 withdrawn. Haberman pending amendment p. 1323 withdrawn. DeCamp pending amendments p. 1432 and p. 1471 withdrawn. Advanced for Engrossment.....2158
May 12 Correctly Engrossed.....2225
May 18 Final Reading.....2347

May 18 Speaker signed 2350
May 18 Presented to Governor 2356
May 23 Approved by Governor (5-23) 2464

LEGISLATIVE BILL 620 By R. Peterson

Feb. 28 Read first time 679
Mar. 2 Referred to Committee on Judiciary 721
Mar. 7 Rereferred to Committee on Government, Military and Veterans Affairs 789
Mar. 8 Notice of hearing (3-17) 839
Mar. 14 R. Peterson priority bill 932
Mar. 23 Placed on General File 1094
Mar. 30 Committee amendment adopted. Advanced for Review 1280
Apr. 7 Placed on Select File 1373
Apr. 12 E and R amendment adopted. Advanced for Engrossment 1449
Apr. 15 Correctly Engrossed.....1528
Apr. 21 Final Reading 1666
Apr. 21 President signed 1670
Apr. 25 Presented to Governor 1690
Apr. 28 Approved by Governor (4-27) 1814

LEGISLATIVE BILL 621 By Business and Labor Committee

Mar. 7 Read first time 794
Mar. 8 Referred to Committee on Business and Labor. Notice of hearing (3-16) 834
Mar. 22 Placed on General File 1073
Apr. 15 Special Order 1539
Apr. 21 Committee amendments adopted. Advanced for Review 1680
Apr. 26 Placed on Select File 1755
May 10 E and R amendment adopted. Advanced for Engrossment 2167
May 12 Correctly Engrossed.....2254
May 18 Final Reading 2348
May 18 Speaker signed 2350
May 18 Presented to Governor 2356
May 23 Approved by Governor (5-23) 2464

LEGISLATIVE BILL 622 By Business and Labor Committee

Mar. 7 Read first time 794
Mar. 8 Referred to Committee on Business and Labor.

Notice of hearing (3-16) 834
Mar. 22 Indefinitely postponed 1074

LEGISLATIVE BILL 623 By Government, Military and Veterans Affairs Committee

Mar. 7 Read first time 794
Mar. 8 Referred to Committee on Government, Military and Veterans Affairs 834
Mar. 8 Notice of hearing (3-17) 839
Mar. 29 Placed on General File 1230

LEGISLATIVE BILL 624 By Wesely

Mar. 8 Read first time 821
Mar. 8 Referred to Committee on Revenue.....834
Mar. 9 Notice of hearing (3-16) 867
Mar. 14 Wesely priority bill.....944
Mar. 24 Placed on General File 1121
Mar. 31 Committee amendment adopted.
Vickers amendment adopted.
Advanced for Review 1293
Apr. 8 Placed on Select File 1389
Apr. 12 E and R amendment adopted.
Wesely-Rupp amendment adopted.
Advanced for Engrossment 1451
Apr. 15 Correctly Engrossed.....1542
Apr. 15 E and R change.....1543
Apr. 21 Final Reading 1667
Apr. 21 President signed 1670
Apr. 25 Presented to Governor 1690
Apr. 27 Approved by Governor (4-27) 1814

LEGISLATIVE BILL 625 By Law Enforcement and Justice Advisory Committee

Mar. 8 Read first time 821
Mar. 8 Referred to Committee on Judiciary.....834
Mar. 9 Notice of hearing (3-16) 867
Mar. 23 Placed on General File 1101

LEGISLATIVE BILL 626 By Nichol at request of Governor

Mar. 24 Read first time 1125
Mar. 30 Referred to Committee on Banking, Commerce and Insurance.....1280

Apr. 5 Notice of hearing (4-12).....1321
Apr. 18 Placed on General File.....1548
Apr. 18 Special Order 1569
Apr. 20 DeCamp amendment printed 1651
Apr. 21 Newell amendments to committee amendment adopted. Chambers amendment to Newell second amendment pending 1682
Apr. 25 Chambers pending amendment lost. Beutler amendment to committee amendment adopted. Chambers amendment to Newell amendment lost.....1702
Apr. 25 Committee amendment adopted as amended. DeCamp pending amendment p. 1651 adopted.....1704
Apr. 25 Failed to advance for Review 1710
Apr. 25 Wesely amendment printed 1711
Apr. 25 Schmit amendment printed.....1712
Apr. 27 Beutler motion to bracket withdrawn 1780
May 2 Haberman amendment printed 1887
May 2 DeCamp-H. Peterson amendment printed 1889
May 11 Attorney General's Opinion 2206
May 18 Cullan-Haberman-Fenger-Barrett motion to bracket lost. DeCamp-H. Peterson amendment adopted as amended by DeCamp-H. Peterson pending amendment p. 1889 and DeCamp amendment. Wesely amendment lost. Haberman pending amendment p. 1887 withdrawn. Wesely pending amendment p. 1711 withdrawn. Beutler amendment adopted.....2361
May 18 Beutler and Chambers amendments adopted. DeCamp amendment to DeCamp-H. Peterson amendment adopted. Schmit pending amendment p. 1712 withdrawn 2365
May 18 DeCamp name added.....2368
May 19 Failed to advance for Review 2395
May 19 Schmit amendment printed.....2400
May 20 Schmit, DeCamp, and Beutler amendments adopted. Schmit pending amendment p. 2400 withdrawn. Chambers motion to reconsider Schmit amendment lost. Advanced for Review 2410
May 20 Placed on Select File 2435
May 23 E and R amendments adopted. Beutler amendment adopted. Advanced for Engrossment 2455

May 23 Correctly Engrossed. E and R change 2479
May 25 Nichol motion to suspend rules prevailed 2516
May 25 Final Reading 2528
May 25 President signed 2529
May 25 Presented to Governor 2530
June 2 Approved by Governor (5-26) 2546

LEGISLATIVE BILL 627 By Nichol at request of Governor

Mar. 24 Read first time 1125
Mar. 30 Referred to Committee on Agriculture and Environment 1280
Apr. 5 Notice of hearing (4-12).....1329
May 2 Indefinitely postponed 1863

LEGISLATIVE BILL 628 By Appropriations Committee

Mar. 25 Read first time 1177
Mar. 25 Warner motion to suspend rules prevailed. Placed on General File 1178
Mar. 31 Appropriations Committee amendment printed ...1296
Apr. 5 Appropriations Committee pending amendment adopted. DeCamp and Lamb amendments adopted. Advanced for Review 1319
Apr. 5 Goll amendment printed 1321
Apr. 6 Placed on Select File 1355
Apr. 12 Appropriations Committee amendment printed ...1461
Apr. 12 DeCamp amendments (1) and (2) printed 1468
Apr. 13 Correction.....1480
Apr. 13 E and R amendments adopted. Goll pending amendment p. 1321 adopted. Appropriations Committee pending amendment p. 1461 adopted. DeCamp pending amendment p. 1468 (2) adopted 1483
Apr. 13 DeCamp pending amendment p. 1468 (1) withdrawn. Wesely and Beutler amendments adopted 1489
Apr. 13 Vickers amendment lost 1493
Apr. 13 Fenger and Vickers amendments lost.....1496
Apr. 13 Landis motion to indefinitely postpone considered. Laid over by Appropriations Committee vote. Cullan motion to suspend rules withdrawn 1499
Apr. 14 Landis pending motion p. 1499 withdrawn. Landis amendment adopted. Advanced for Engrossment 1510

Apr. 14 DeCamp amendments printed 1514
Apr. 14 Bracket 1516
Apr. 15 Hoagland-Landis-Carsten-Wiitala-Wesely-Marsh amendment printed 1542
Apr. 18 Correction.....1545
Apr. 18 Objection to unbracket 1569
Apr. 18 DeCamp amendments printed 1574
Apr. 19 DeCamp amendments printed 1598
Apr. 25 Wesely amendment printed.....1711
Apr. 25 DeCamp amendment printed 1712
Apr. 27 Attorney General's Opinion 1785
May 2 Cullan amendment printed.....1886
May 4 Vickers-Pappas amendment printed 1962
May 4 DeCamp amendment printed 1978
May 4 Fenger amendment printed.....1980
May 5 DeCamp pending amendments p. 1514, 1574, 1598, 1712, and 1978 withdrawn. Hoagland et al pending amendment p. 1542 withdrawn. Fenger pending amendment p. 1980 withdrawn.....1998
May 5 Returned to Select File for Wesely amendment. Wesely amendment adopted. Advanced for Engrossment. Warner motion to return to Select File lost. Warner motion to return to Select File pending 1998
May 5 Returned to Select File for Appropriations Committee pending amendment p. 1999. Appropriations Committee pending amendment adopted. Advanced for Engrossment. Returned to Select File for DeCamp-Landis amendment. DeCamp-Landis amendment adopted. Advanced for Engrossment.....2015
May 5 Returned to Select File for Appropriations Committee amendment. Appropriations Committee amendment adopted. Advanced for Engrossment. Vickers-Pappas pending amendment p. 1962 withdrawn.....2018
May 5 Vickers-Pappas-R. Johnson motion to return to Select File lost. Landis motion to override agenda prevailed.....2019
May 5 Kilgarin-Schmit motion to return to Select File lost 2020
May 5 Returned to Select File for Kilgarin amendment. Kilgarin amendment adopted.

Advanced for Engrossment. Returned to Select File for Landis amendment. Landis amendment adopted. Advanced for Engrossment. Haberman motion to return to Select File lost 2027
May 6 Correctly Engrossed. E and R change 2075
May 12 Cullan pending amendment p. 1886 withdrawn. Final Reading 2223
May 12 President signed 2232
May 12 Presented to Governor 2242
May 18 Approved by Governor. Line item veto (5-18) 2350
May 19 Warner motion to override veto laid over. Appropriations Committee report 2406
May 19 Wesely motion to override veto laid over 2412
May 20 Attorney General's Opinion 2421
May 24 Warner pending motion to override veto prevailed 2503
May 24 Wesely pending motion to override veto lost 2504
May 24 Pirsch motion to override veto lost 2507
May 24 V. Johnson motion to override veto prevailed 2510
May 25 Communication 2513
May 25 Certificate 2514
May 25 Lamb motion to override veto prevailed 2540
May 25 Communication 2542
May 25 Certificate 2543
June 2 Letter 2546
June 2 Certificate 2547

LEGISLATIVE BILL 629 By Appropriations Committee

Mar. 25 Read first time 1177
Mar. 25 Warner motion to suspend rules prevailed. Placed on General File 1178
Mar. 31 Appropriations Committee amendment printed 1297
Apr. 6 Warner motion to suspend rules lost 1341
Apr. 8 Appropriations Committee pending amendment adopted. Advanced for Review 1402
Apr. 12 Appropriations Committee amendment printed 1466
Apr. 13 Placed on Select File 1498
Apr. 15 Appropriations Committee pending amendment p. 1466 adopted as amended by Warner. Warner amendment adopted.

Advanced for Engrossment 1541
Apr. 15 Bracket 1544
May 10 DeCamp amendment printed 2147
May 18 Warner amendments (1-4) printed 2367
May 20 DeCamp pending amendment p. 2147 ruled not germane. Returned to Select File for Warner pending amendment. Warner pending amendment p. 2367 (1) adopted. Advanced for Engrossment. Warner pending amendment p. 2367 (2) withdrawn. Returned to Select File for Warner amendment. Warner amendment adopted. Advanced for Engrossment. Returned to Select File for Warner pending amendment. Warner pending amendment p. 2368 (3) adopted. Advanced for Engrossment. Returned to Select File for Warner pending amendment. Warner pending amendment p. 2368 (4) adopted. Advanced for Engrossment. Marsh motion to return to Select File lost 2416
May 20 Returned to Select File for Sieck amendment. Sieck amendment adopted. Advanced for Engrossment 2425
May 20 Kilgarin-Marsh-Landis-Lundy-Wiitala-Sieck-Vickers-Pappas-Rupp-Wesely-Warner motion to return to Select File lost. Wiitala motion to reconsider Marsh motion p. 2420 prevailed. Returned to Select File for Wiitala-Marsh pending amendment. Wiitala-Marsh pending amendment adopted. Advanced for Engrossment 2428
May 23 Returned to Select File for Warner amendment. Warner amendment lost. Advanced for Engrossment (correction). Warner motion to return to Select File lost. DeCamp motion to return to Select File withdrawn 2465
May 23 Warner motion to return to Select File lost 2475
May 23 Correctly Engrossed 2479
May 23 E and R change 2480
May 24 Correction 2482
May 25 Nichol motion to suspend rules prevailed 2516
May 25 Final Reading 2531

May 25 President signed 2534
May 25 Presented to Governor 2539
June 2 Approved by Governor.
Line item veto (5-26) 2553
June 2 Letter 2554
June 2 Certificate 2555

LEGISLATIVE BILL 630 By Appropriations Committee

Mar. 25 Read first time 1177
Mar. 25 Warner motion to suspend rules prevailed. Placed on General File 1178
Apr. 5 Advanced for Review 1320
Apr. 5 V. Johnson amendment printed 1325
Apr. 6 Placed on Select File 1355
Apr. 12 Appropriations Committee amendment printed ... 1465
Apr. 12 DeCamp amendment printed 1475
Apr. 14 V. Johnson pending amendment p. 1325 withdrawn. V. Johnson amendment lost. Appropriations Committee pending amendment p. 1465 adopted. DeCamp pending amendment p. 1475 withdrawn. DeCamp and Wesely amendments withdrawn. Wesely amendment withdrawn as amended by Goodrich. Advanced for Engrossment 1511
Apr. 18 Warner amendment printed 1565
Apr. 19 Correctly Engrossed. E and R change. Bracket 1600
May 4 Vickers-Pappas amendment printed 1962
May 5 Warner pending amendment p. 1565 withdrawn. Vickers-Pappas pending amendment p. 1962 withdrawn. Returned to Select File for Warner amendment. Warner amendment adopted. Advanced for Re-Engrossment. Vickers-Pappas motion to return to Select File lost 1991
May 10 Correctly Re-Engrossed. E and R change 2142
May 12 Nichol motion to suspend rules prevailed. Final Reading 2225
May 12 President signed 2232
May 12 Presented to Governor 2242
May 18 Approved by Governor.
Line item veto (5-18) 2350
May 19 Appropriations Committee report 2406
June 2 Communication 2555
June 2 Letter 2556

LEGISLATIVE BILL 631 By DeCamp, Chronister, Pappas

Apr.	11	Read first time	1421
Apr.	11	Referred to Committee on Banking, Commerce and Insurance	1430
Apr.	11	Notice of hearing (4-18)	1438
Apr.	20	Placed on General File	1640

LEGISLATIVE BILL 632 By Nichol at request of Governor

Apr.	21	Read first time. Referred to Committee on Appropriations	1688
Apr.	21	Notice of hearing (4-28)	1689
Apr.	25	Warner amendment printed	1691
Apr.	26	Public hearing announcement	1763
May	12	Warner amendment printed	2255
May	12	Placed on General File	2256
May	17	Committee amendments withdrawn. Warner pending amendments p. 1691 and p. 2255 withdrawn. Advanced for Review	2328
May	18	Placed on Select File	2360
May	20	E and R amendment adopted. Wesely amendment adopted. Advanced for Engrossment	2409
May	23	Correctly Engrossed	2479
May	23	E and R changes	2480
May	25	Nichol motion to suspend rules prevailed	2516
May	25	Final Reading	2532
May	25	President signed	2534
May	25	Presented to Governor	2539
June	2	Approved by Governor (5-26)	2546

LEGISLATIVE BILL 632A By Warner

May	12	Read first time. Placed on General File	2258
May	17	Advanced for Review	2329
May	18	Placed on Select File	2360
May	20	Advanced for Engrossment	2410
May	23	Correctly Engrossed	2448
May	25	Nichol motion to suspend rules prevailed	2516
May	25	Final Reading	2532
May	25	President signed	2534
May	25	Presented to Governor	2539
June	2	Approved by Governor (5-26)	2546

LEGISLATIVE BILLS

By Original Introducers

CHRIS ABBOUD

308 Increase the number of wards in cities of the first class.
331* Change provisions relating to the annexation of school district territory.
335 Change rates and services of common carriers.
486 Change capital expenditure minimum dollar requirements for certificate of need.
513 Authorize access to certain public utilities records by municipalities.
560* Provide a tax credit for businesses which create jobs.
570 Provide a tax credit for businesses with on-the-job training programs.
574 Citizens Utility Board Act.
575 Provide for political campaign contribution limitations.

BILL BARRETT

19* Nebraska Beef Industry Development Act.
116 Provide for the conveyance of easements to the city of Lexington.
155* Require motor vehicle manufacturers to repair or replace defects.
182 Change provisions relating to the State Real Estate Commission.
185 Eliminate a waiver of workmen's compensation coverage for certain corporate executives.
291* Allow certain cities and villages to have civil service commissions.
309 Provide exceptions to tariffs for certain motor carriers.
392* Provide for the release of juvenile court records to school districts.
500* Authorize Department of Correctional Services to provide inmate labor.
521 Create the Uninsured Employers Fund.
581* Eliminate discriminatory factor in salary surveys.

CHRIS BEUTLER

13* Transfer municipal courts to county courts.
141* Provide for early transfer of high school students to college.
186 Change age limits for compulsory education.

206* Restrict use of studded tires.
229 Provide for recovery of certain costs and fees by a library board.
269* Increase salaries of judges of the Supreme Court.
315 Require Attorney General to be licensed to practice law.
316* Provide for registration and adjudication of riparian water rights.
317 Increase the food sales tax credit.
318 Authorize the use of unmarked patrol cars.
320 Procedure for appeal of condemnation awards in eminent domain cases.
325* Provide duties for the State Auditor.
363* Eliminate the sales tax on food purchased with food coupons.
421 Authorize the issuance of fully registered bonds.
422 Change district and county court judicial districts.
423 Change duties of the State Treasurer regarding deposit of public funds.
424 Define unjust discrimination in employment.
425 Increase penalties relating to monopolies and unlawful combinations.
426 Emergency powers to natural resource districts to stabilize levels of nitrate-nitrogen in water.
426A Appropriation Bill.
507 Authorize an additional juvenile court judge in certain counties.
508 Change interest rates on loans made by industrial loan and investment companies.
509 Establish provisions for Nebraska Soil and Water Conservation Fund.
510 Allow the adoption of certain adults.
511 Change provisions for special education appeals.
512 Change provisions for ground water control and management areas.
545* Water Resources Development Act.
577* Finance the State Patrol Protection of People and Property Program.

EMIL E. BEYER, JR.

96* Assign responsibility for certain highway utility costs to state.
155* Require motor vehicle manufacturers to repair or replace defects.
190 Exempt certain lotteries and raffles from awarding mandatory prizes.

191 Authorize an alternative election procedure for drainage district boards.
198* Provide for management and storage of water resources.
298* Change provisions relating to group life insurance requirements.
319 Provide a definition of motor carrier for unemployment insurance.
331* Change provisions relating to the annexation of school district territory.
559* Provide for eminent domain powers for coal slurry pipelines.

CALVIN F. CARSTEN

11 Change ability of a public power or irrigation district to secure notes.
19* Nebraska Beef Industry Development Act.
47* Provide for a sales tax on services.
59* Establish a retroactive state income tax rate.
96* Assign responsibility for certain highway utility costs to state.
117* Protection of buyers of farm equipment under Uniform Commercial Code.
160 Require attendance at legally approved schools.
166* Allow use of studded or spiked tires by vehicles with permits.
206* Restrict use of studded tires.
232* Change provisions relating to election of natural resources boards.
293* Allow compensation to landowners for damages from wildlife.
294* Provide for an additional exemption for hunting and fishing permits.
302A Appropriation Bill.
305* Designate Nebraska as the The Tree Planting State on motor vehicle license plates.
343* Change filing place for security interest on farm property.
364 Change provisions for determining income tax rates.
386 Allow a municipality to own or operate a community antenna TV service.
539 Change provisions relating to agricultural liming materials.
539A Appropriation Bill.
597* Reinstate property tax on personal property.
619* Change provisions relating to corporate franchise taxes.

ERNIE CHAMBERS

87 Changes relating to training requirements for barbers and cosmetologists.
88 Establish necessary proof for speed detecting devices.
105 Reduce sales and use tax in cities of the metropolitan class.
122* Public Service Intervenor Act.
123 Provide for hearings and judicial review for penal complex inmates.
164* Prohibit political party contributions to legislative campaigns.
202 Eliminate the death penalty.
210* Prohibit use of gender in determining certain public retirement benefits.
211 Provide that University of Nebraska football players be classified as university employees.
242 Require all charges for electrical energy be uniform.
377 Provide that individuals arrested for Driving While Intoxicated be informed of certain rights.
553 Prohibit the investment of state funds in South Africa.
597* Reinstate property tax on personal property.

HARRY B. CHRONISTER

38* Increase the Veterans' Aid Fund.
50* Allow use or sale of studded tires.
98* Allow an exemption for motor carriers of livestock and poultry feed.
142* Define practice of chiropractic and continue Board of Examiners.
155* Require motor vehicle manufacturers to repair or replace defects.
157* Grain Storage Act.
204* Increase traffic violation point system.
226* Authorization for sale of land to Northeast Technical Community College.
233* Provide for restitution to victims of crime.
281 Authorize delegation of certain duties to clerks and election commissioners.
294* Provide for an additional exemption for hunting and fishing permits.
325* Provide duties for the State Auditor.
375 Redefine fertilizer trailers.
394* Change certain provisions relating to county jails.
525* Create a Youth Service Commission.
573* Nebraska Bovine Brucellosis Act.
579* Authorize Department of Agriculture to provide management services.

580* Provide for regulation of weights and measures fees.
590 Change conditions of liability for officers involved in vehicular pursuits.
631* Industrial Financing Corporation Act.

ROBERT L. CLARK

54 Change continuing legal education requirements for county attorneys.
155* Require motor vehicle manufacturers to repair or replace defects.
177 Eliminate a restriction on the transfer of certain bank assets.
178 Change provisions relating to the Uniform Commercial Code.
178A Appropriation Bill.
198* Provide for management and storage of water resources.
206* Restrict use of studded tires.
297* Allow signs to be erected within 600 feet of highway rights-of-way.
298* Change provisions relating to group life insurance requirements.
343* Change filing place for security interest on farm property.
420 Change provisions relating to liability and hazardous materials.
559* Provide for eminent domain powers for coal slurry pipelines.

SAMUEL K. CULLAN

51 Procedures for licensing and regulating athletic trainers.
126* Provide a work-study program for postsecondary students.
127 Provide for election of members of the Nebraska Wheat Development Board.
128 Increase membership of the Nebraska Oil and Gas Conservation Commission.
208 Increase fee collected for bad checks by county attorneys.
254* Provide for a new category of emergency medical technician.
254A* Appropriation Bill.
255* Appropriate funds to carry out the Scholarship Award Program.
269* Increase salaries of Supreme Court judges.
269A Appropriation Bill.
284* Changes in technical community college academic transfer programs.

297* Allow signs to be erected within 600 feet of highway rights-of-way.
316* Provide for registration and adjudication of riparian water rights.
353* Change provisions relating to franchise taxes on utilities.
354 Appropriate funds for the Crawford Fish Hatchery.
355 Include Morrill County in the 16th judicial district.
356 Authorize regulations relating to injection wells.
356A Appropriation Bill.
404 Provide for an increase in the cigarette tax.
405 Require an additional filing requirement for certain probate proceedings.
450* Create a County Peace Officers Retirement System.
514 Develop an area of excellence program for the state colleges.
515 Change provisions relating to an exception to the general interest rate.
520 Eliminate the food sales tax credit and certain homestead exemptions.
552* Provide a deferred annuity for terminated firefighters.
563* Prohibit causes of action for wrongful life claims.
583* Restrict funding for certain mental health programs.

JOHN W. DECAMP

12 Establish a sales tax on services.
50* Allow use or sale of studded tires.
58 Authorize certain acquisitions by bank holding companies.
70* Require an analysis of investment return on retirement funds.
70A* Appropriation Bill.
114 Eliminate termination of Nebraska Visitors' Development Act.
122* Public Service Intervenor Act.
122A Appropriation Bill.
124* Change provisions relating to lighting and thermal efficiency standards.
136* Prohibit certain real estate and insurance transactions by banks.
155* Require motor vehicle manufacturers to repair or replace defects.
183* Require burden of proof for insanity plea to be placed on defendant.
198* Provide for management and storage of water resources.
215* Prohibit certain financial interests in title insurance companies.

226* Authorization for sale of land to Northeast Technical Community College.
228* Change provisions relating to gas and oil severance taxes.
237* Establish a retirement system for first class city police officers.
252* Provide procedures for acquiring a cooperative credit association.
253* Require proof of financial responsibility for motor vehicle registration.
259* Create the Nebraska Bingo and Pickle Card Regulatory Commission.
260 Provide rate exceptions to installment sales contracts.
283* Authorize access to adoption records.
284* Changes in technical community college academic transfer programs.
293* Allow compensation to landowners for damages from wildlife.
294* Provide for an additional exemption for hunting and fishing permits.
297* Allow signs to be erected within 600 feet of highway rights-of-way.
298* Change provisions relating to group life insurance requirements.
336* State Lottery Act.
336A Appropriation Bill.
339* Family Farm Preservation Act.
340 Nebraska Foreign Market and Port Development Act.
342* Increase the registration fee for foreign cars.
343* Change filing place for security interest on farm property.
343A Appropriation Bill.
344 Require the issuance of bonds for highway construction.
344A Appropriation Bill.
345 Exempt certain oil and gas wells from a tax levy.
346 Nebraska Liquefied Gas Tax Act.
347* Require lotteries to be conducted by a lottery device.
348 Increase an excise tax on railroads.
349* Withdraw public employees from the social security system.
351* Increase the period for stay of mortgage foreclosures.
360 Prohibit statements or releases of liability by an injured person.
363* Eliminate the sales tax on food purchased with food coupons.
371* Modify provisions relating to child support and alimony.
381* Change provisions relating to preference for ground water users.

387 Change provisions relating to the annexation of school district territory.
390 Establish provisions for interest on decrees and judgments.
427 Change regulations relating to sale and distribution of beer.
428 Allow county court concurrent jurisdiction in actions under $10,000.
429* Include hospitals and nursing homes under the Nebraska Development Finance Fund.
433* Uniform Condominium Act.
435* Increase the rate of tax paid by insurance companies.
452* Exempt certain irrigation equipment from sales and use tax.
454* Change interest rate charges on credit cards.
531 Establish a retirement system for first class city firefighters.
554 Third Party Prescription Program Act.
555 Increase the limit on delivery of money or property to minors.
556 Require teachers to pass a competency examination.
557 Change the statute of limitations for product liability actions.
558 Allow public power districts and municipalities to own cable TV systems.
559* Provide for eminent domain powers for coal slurry pipelines.
561 Change provisions relating to the use of pharmaceuticals by optometrists.
562* Eliminate certain loan requirements of the Agricultural Development Corporation Act.
567* Employee Protection and Community Stabilization Act.
577* Finance the State Patrol's Protection of People and Property Program.
582* Change provisions relating to the deposit of government funds.
586* Provide for distribution of funds to political subdivisions.
587* Eliminate certain agricultural corporate reporting requirements.
597* Reinstate property tax on personal property.
619* Change provisions relating to corporate franchise taxes.
626* Nebraska Investment Finance Authority Act.
631* Industrial Financing Corporation Act.

THOMAS D. DOYLE

155* Require motor vehicle manufacturers to repair or replace defects.
166* Allow use of studded or spiked tires by vehicles with permits.

206* Restrict use of studded tires.
234* Change provisions relating to motor vehicle registration and titles.
331* Change provisions relating to the annexation of school districts.
381* Change provisions relating to preference for ground water users.
463 Change fees collected by register of deeds and county clerks.
516* Change provisions relating to the Board of Examiners for Professional Engineers and Architects.
544* Create the office of county engineer in certain counties.
578* Change provisions relating to motor vehicle license plates.

DONALD ERET

55 Require Department of Agriculture to provide a commodity pricing directory service.
166* Allow use of studded or spiked tires by vehicles with permits.
181* Change assessment of soybean development fees.
206* Restrict use of studded tires.
351* Increase the period for stay of mortgage foreclosures.
445 Allow a tax to be levied for the transportation of school children.
551* Prohibit sale of certain agricultural commodities below minimum prices.
567* Employee Protection and Community Stabilization Act.
579* Authorize Department of Agriculture to provide management services.
580* Provide for regulation of weights and measures fees.

GEORGE FENGER

96* Assign responsibility for certain highway utility costs to state.
150 Change provisions relating to the organization of a sanitary improvement district.
151 Restrict contributions to legislative candidates and committees.
152 Exempt replacement parts from public power district bidding requirements.
237* Establish a retirement system for first class city police officers.
250 Repeal all provisions relating to group homes.
251 Change various provisions relating to liquor.
251A Appropriation Bill.

359* Provisions for metropolitan water and utilities districts' payments to cities.
413 Postpone termination dates for certain state boards.
416A Appropriation Bill.
418 Opthalmic Dispensing Act.
517 Eliminate the cancer registry.

STEVE FOWLER

59* Establish a retroactive state income tax rate.
122* Public Service Intervenor Act.
124* Change provisions relating to lighting and thermal efficiency standards.
161* Provide for the registration of dental assistants.
206* Restrict use of studded tires.
209* Change procedure for suspension or expulsion of students.
210A Appropriation Bill.
221* Interpreters for Deaf and Non-English Speaking Persons Act.
228* Change provisions relating to gas and oil severance taxes.
280* Provide duties for employers regarding toxic substances.
313 Change contributions to retirement plans for county and state employees.
323* Change provisions relating to duties and powers of dental hygienists.
363* Eliminate the sales tax on food purchased with food coupons.
430* Provide for a study to extend public radio service.
435* Increase the rate of tax paid by insurance companies.
450* Create a County Peace Officers Retirement System.
450A Appropriation Bill.
519* Retirement plan for police officers of first class cities.
526A Appropriation Bill.
546* Eliminate reimbursement for the collection of sales and use taxes.
552* Provide a deferred annuity for terminated firefighters.
567* Employee Protection and Community Stabilization Act.
577* Finance the State Patrol's Protection of People and Property Program.
578* Change provisions relating to motor vehicle license plates.
582* Change provisions relating to the deposit of government funds.
597* Reinstate property tax on personal property.
600 Provide an additional sales tax on mechanical amusement or musical devices.

JAMES E. GOLL

19* Nebraska Beef Industry Development Bill.
92 Prohibit certain cemeteries from selling vaults, monuments, or markers.
96* Assign responsibility for certain highway costs to the state.
155* Require motor vehicle manufacturers to repair or replace defects.
226* Authorization for sale of land to Northeast Technical Community College.
311 Authorize the withholding of certain public records.
402 Eliminate an unemployment provision at institutions of higher learning.
464 Require a bond or deposit for certain appeals by Natural Resource Districts.
495* Change membership of county committee for school district reorganization.

GLENN A. GOODRICH

49 Change provisions for officers and employees of public power districts.
69 Require month and year account was opened on bank checks.
76* Change provisions relating to public power and irrigation districts.
96* Assign responsibility for certain highway utility costs to state.
143* Revise the powers of credit unions.
144* Provide federal advantages to state building and loan associations.
159 Establish the Nebraska Health Education Assistance Loan Program.
162 Increase fee on certain permits issued by Game and Parks Commission.
163 Increase maximum amount allowed in certain game and parks cash funds.
165 Allow judges to retire after twenty-five years of service.
165A Appropriation Bill.
198* Provide for management and storage of water resources.
203 Allow school district employees to purchase books and supplies.
209* Change procedure for suspension or expulsion of students.
255* Appropriate funds to carry out the Scholarship Award Program.
261 Provide for payment of attorney fees in foreclosure suits.

262 Declare the American Province of the Order of Servants of Mary a corporation.
263 Authorize Workmen's Compensation Court to charge for certain services.
263A Appropriation Bill.
264* Create the Workmen's Compensation Court Cash Fund and provide for abatement of contributions.
265* Create the Workmen's Compensation Court Cash Fund.
266 Change provisions for funding of vocational rehabilitation.
266A Appropriation Bill.
267* Create the Workmen's Compensation Court Cash Fund.
268* Create the Self-Insurance Cash Fund.
269* Increase salaries of Supreme Court judges.
328 Change provisions relating to evaluation of school probationary employees.
329 Change provisions relating to the selection of petit jurors.
330 Change provisions relating to sex crimes by persons under eighteen.
331* Change provisions relating to the annexation of school districts.
332 Change provisions relating to school transportation allowance.
333 Provide Class V school districts with certain contract powers.
334 Change provisions relating to replacement dwellings.
352 Provide an exception for acquisition of property for public use.
363* Eliminate the sales tax on food purchased with food coupons.
438 Change provisions relating to assessments by metropolitan utilities districts.
470* Eliminate sunset provision for the Board of Examiners in Dentistry.
471* Eliminate the Nebraska Collection Agency Board.
472* Eliminate sunset provision for the Board of Nursing.
475* Create Abstracters Advisory Board to the Department of Insurance.
476* Eliminate sunset provision for the Board of Examiners in Pharmacy.
477* Change sunset provisions for the State Board of Landscape Architects.
478* Eliminate sunset provisions for the Board of Examiners for Land Surveyors.
479* Change powers and duties of Accountability and Disclosure Commission.

480* Change powers and duties of the State Real Estate Commission.
481* Eliminate sunset provisions for the Board of Examiners of Psychologists.
519* Retirement plan for police officers in cities of the first class.
577* Finance the State Patrol's Protection of People and Property Program.
599* Corporate Takeover Act.

REX HABERMAN

4 Penalty changes for attempting a felony with a deadly weapon.
5 Penalty changes for committing a felony with a deadly weapon.
6 Change the manner of apportioning the state school fund.
7 Include all school districts in Nebraska Teachers' Negotiations Act.
8 Allow prisoners to work on cummunity service related projects.
39* Change valuation of school lands for tax purposes.
50* Allow use or sale of studded tires.
72* Change registration fee for certain combinations of farm vehicles.
137 Permit county court jurisdiction in certain divorce cases.
155* Require motor vehicle manufacturers to repair or replace defects.
157* Grain Storage Act.
212 Reduce county property tax due to transfer of welfare programs to state.
231* Provide for a short term commercial license for certain farm trucks.
236* Rename Nebraska Water Conservation Act as the Nebraska Soil and Water Conservation Act.
298* Change provisions relating to group life insurance requirements.
339* Family Farm Preservation Act.
342* Increase the registration fee for foreign cars.
343* Change filing place for security interest on farm property.
363* Eliminate the sales tax on food purchased with food coupons.
371* Modify provisions relating to child support and alimony.
452* Exempt certain irrigation equipment from sales and use tax.
474* Create the Bureau of Administrative Support.
499 Establish an alibi defense.
506 Change provisions relating to controls adopted by a Natural

Resources District.
562* Eliminate certain loan requirements of the Agricultural Development and Corporation Act.
573* Nebraska Bovine Brucellosis Act.
573A Appropriation Bill.
579* Authorize Department of Agriculture to provide management services.
579A Appropriation Bill.
580* Provide for regulation of weights and measures fees.

GARY E. HANNIBAL

135* Zoning ordinance provisions concerning planned unit development.
331* Change provisions relating to the annexation of school districts.
362 Authorize metropolitan utilities districts to participate in certain programs.
560* Provide a tax credit for businesses which create jobs.
577* Finance the State Patrol's Protection of People and Property Program.

ELROY M. HEFNER

19* Nebraska Beef Industry Development Act.
27* Change duties of the Board of Equalization and Assessment.
38* Increase the Veterans' Aid Fund.
47* Provide for a sales tax on services.
48* Remove eligibility of unborn children for aid benefits.
84 Allow certain sums to be deducted from condemnation awards.
93 Allow ambulance attendants to administer cardiac electrical countershock.
98* Allow an exemption for motor carriers of livestock and poultry feed.
155* Require motor vehicle manufacturers to repair or replace defects.
181* Change assessment of soybean development fees.
213A Appropriation Bill.
225 Continuing education requirements for embalmers and funeral directors.
225A Appropriation Bill.
226* Authorization for sale of land to Northeast Technical Community College.
236* Rename the Nebraska Water Conservation Act as Nebraska

Soil and Water Conservation Act.

237* Establish a retirement system for first class city police officers.

252* Provide procedures for acquiring a cooperative credit association.

254* Provide for a new category of emergency medical technician.

254A* Appropriation Bill.

259A Appropriation Bill.

279 Change time period for disqualification from unemployment benefits.

292 Provide additional duties for the Commission of Industrial Relations.

297* Allow signs to be erected within 600 feet of highway rights-of-way.

307 Provide for inflicting the punishment of the death penalty by injection.

365* Change provisions for deductions from horse racing wagers.

383 Change provisions for assessments by Fire Marshal.

393* Change boundaries of the Nebraska brand inspection area.

597* Reinstate property tax on personal property.

MARGE HIGGINS

50* Allow use or sale of studded tires.

85* Prohibit certain reimbursements by the Department of Public Welfare.

86* Provide penalties for assault on persons over 62 years of age.

164* Prohibit political party contributions to political campaigns.

197 Require consumer reporting agencies to provide copies of reports.

235* Nebraska Nursing Home Act.

273 Establish training requirements for certain nursing home employees.

274 Provide for the appointment of a receiver for a nursing home.

314* Occupational Therapy Act.

325* Provide duties for the State Auditor.

358 Provide procedures for waiving a jury trial.

371* Modify provisions relating to child support and alimony.

400 Permit nursing homes to provide multiple categories of services.

401 Rename Department of Public Welfare the Department of

Social Services.

482 Provide for the removal of illegally parked vehicles on highways.

PETER HOAGLAND

40 Change provisions relating to acts of criminal mischief.

41 Establish the offense of ethnic intimidation.

42 Define and impose restrictions on paramilitary organizations.

43* Provide duties for public bodies holding public meetings.

44* Repeal of certain obsolete statutes.

77* Forfeiture of anything of value furnished in exchange for drugs.

96* Assign responsibility for certain highway utility costs to state.

166* Allow use of studded or spiked tires by vehicles with permits.

204* Increase traffic violation point system.

205* Allow a defense of flooding for tort claims against political subdivisions.

206* Restrict use of studded tires.

269* Increase salaries of Supreme Court judges.

276* Change provisions relating to court jurisdiction in divorce cases.

296 Change provisions for recognition of teacher organizations.

312 Provide a method for determining motor vehicle contributory negligence.

331* Change provisions relating to the annexation of school districts.

350* Provide civil remedies for diversion of utility services.

363* Eliminate the sales tax on food purchased with food coupons.

371* Modify provisions relating to child support and alimony.

381* Change provisions relating to preference for ground water users.

430* Provide for a study to extend public radio service.

447 Provide rules of civil procedure.

448 Change rules of civil procedure and establish joinder procedure.

458 Standards for well construction.

569 Prohibit manufacture or distribution of imitation controlled substances.

577* Finance the State Patrol's Protection of People and Property Program.

588* Change provisions for driving while intoxicated.

589 Provide for default judgment.
595 Modify procedures for designation of a ground water control area.
596 Authorize designation of protected stream reaches.

CLARENCE E. JACOBSON

19* Nebraska Beef Industry Development Act.
86* Provide penalties for assault on persons over 62 years of age.
198* Provide for management and storage of water resources.
294* Provide for an additional exemption for hunting and fishing permits.
363* Eliminate the sales tax on food purchased with food coupons.

LOWELL C. JOHNSON

19* Nebraska Beef Industry Development Act.
50* Allow use or sale of studded tires.
76* Change provisions relating to public power and irrigation district bids.
96* Assign responsibility for certain highway utility costs to state.
143* Revise the powers of credit unions.
144* Provide federal advantages to state building and loan associations.
172 Allow certain special fuel dealers to file a combined tax return.
176* Change bingo licensing from state to local authority.
264* Create the Workmen's Compensation Court Cash Fund.
265* Create the Workmen's Compensation Court Cash Fund.
267* Create the Workmen's Compensation Court Cash Fund.
268* Create the Self-Insurance Cash Fund.
343* Change filing place for security interest on farm property.
350* Provide civil remedies for diversion of utility services.
394* Change certain provisions relating to county jails.
453 Allow realtors to use savings and loan associations for trust accounts.
470* Eliminate sunset provision for the Board of Examiners in Dentistry.
471* Eliminate the Nebraska Collection Agency Board.
472* Eliminate sunset provision for the Board of Nursing.
473* Change provisions relating to the State Board of Public Accountancy.
475* Create Abstracters Advisory Board to the Department of

Insurance.
476* Eliminate sunset provision for the Board of Examiners in Pharmacy.
477* Change sunset provisions for the State Board of Landscape Architects.
478* Eliminate sunset provisions for the Board of Examiners for Land Surveyors.
479* Change powers and duties of Accountability and Disclosure Commission.
480* Change powers and duties of the State Real Estate Commission.
481* Eliminate sunset provisions for the Board of Examiners of Psychologists.

ROD JOHNSON

19* Nebraska Beef Industry Development Act.
53* Change approval of vouchers for the Wheat Development and Marketing Fund.
73* Change provisions for regulation of grain warehouses.
252* Provide procedures for acquiring a cooperative credit association.
322 Provide for sales tax on mobile homes and manufactured housing.
363* Eliminate the sales tax on food purchased with food coupons.
365* Change provisions for deductions from horse racing wagers.
366 District changes in public power and irrigation districts.
461 Change provisions relating to seller-assisted marketing plans.

VARD R. JOHNSON

47* Provide for a sales tax on services.
107 Require notice of homestead exemption procedures prior to sale.
108 Restrict the disclosure of certain library records.
109 Change provisions relating to contents of a laborer's service letter.
110 Provide for discovery in misdemeanor cases.
111 Provide consumer credit default procedures.
112 Establish a high risk pregnancy support program.
113 Determination of eligibility for medical assistance.
129 Provide for district election of Douglas County commissioners.

130 Provide licensing for early childhood and day care programs.
130A Appropriation Bill.
140 Provide for state funding of Silver Haired Legislature.
140A Appropriation Bill.
161* Provide for the registration of dental assistants.
166* Allow use of studded or spiked tires by vehicles with permits.
189 Prohibit public defenders from engaging in private criminal law practice.
206* Restrict use of studded tires.
283* Authorize access to adoption records.
363* Eliminate the sales tax on food purchased with food coupons.
489* Create the Nebraska Sentencing Guidelines Commission.
490 Create community action agencies.
491 Remove the property tax exemption for hospitals.
492 Change certain county court fees.
495* Change membership of county committee for school district reorganization.
496 Penalize employers for failing to make payments for employee benefits.
523 Prohibit discrimination on the basis of age and sex.
532 Prohibit certain activities of landlords.
571* Change a shrinkage allowance on motor vehicle fuels.
571A Appropriation Bill.
577* Finance the State Patrol's Protection of People and Property Program.
597* Reinstate property tax on personal property.

MARTIN F. KAHLE

9 Require two year probationary period for teachers in state agencies.
10 Define minimum maintenance roads for liability purposes.
19* Nebraska Beef Industry Development Act.
19A Appropriation Bill.
198* Provide for management and storage of water resources.
245 Require certification of county and deputy county assessor.
246 Provide for the prevention and control of wind erosion.
247 Authorize Natural Resources Districts to deal with soil erosion problems.
252* Provide procedures for acquiring a cooperative credit association.
255* Appropriate funds to carry out the Scholarship Award Program.

264* Create the Workmen's Compensation Court Cash Fund.
265* Create the Workmen's Compensation Court Cash Fund.
267* Create the Workmen's Compensation Court Cash Fund.
268* Create the Self-Insurance Cash Fund.
394* Change certain provisions relating to county jails.
443* Provide another exception to trial by jury.
470* Eliminate sunset provision for the Board of Examiners in Dentistry.
471* Eliminate the Nebraska Collection Agency Board.
473* Change provisions relating to the State Board of Public Accountancy.
474* Create the Bureau of Administrative Support.
476* Eliminate sunset provision for the Board of Examiners in Pharmacy.
477* Change sunset provisions for the State Board of Landscape Architects.
478* Eliminate sunset provisions for the Board of Examiners for Land Surveyors.
479* Change powers and duties of Accountability and Disclosure Commission.
480* Change powers and duties of the State Real Estate Commission.
481* Eliminate sunset provisions for the Board of Examiners of Psychologists.
518 Change provisions relating to circulation of petitions.
522 Authorize a sale of state land by the Department of Correctional Services.
533* Change provisions for veterinary school construction relating to federal funds.
587* Eliminate certain agricultural corporate reporting requirements.
597* Reinstate property tax on personal property.

KAREN KILGARIN

13* Transfer municipal courts to county courts.
14 Provide an income tax credit for child care.
15 Allow retired persons to serve on public power district board.
16 Permit voluntary membership in state employees' retirement system.
17* Provide a tax deduction for water and sewer service for livestock.
18 Change provisions relating to workmen's compensation.
18A Appropriation Bill.
50* Allow use or sale of studded tires.

83* Provide additional functions and powers to the Mexican-American Commission.
89 Create the State Tax Board.
96* Assign responsibility for certain highway utility costs to state.
98* Allow an exemption for motor carriers of livestock and poultry feed.
102 Provide that the Tax Commissioner set the tax rates.
122* Public Service Intervenor Act.
136* Prohibit certain real estate and insurance transactions by banks.
169* Provide for the setting of sales and income tax rates.
264* Create the Workmen's Compensation Court Cash Fund.
265* Create the Workmen's Compensation Court Cash Fund.
267* Create the Workmen's Compensation Court Cash Fund.
268* Create the Self-Insurance Cash Fund.
323* Change provisions relating to duties and powers of dental hygienists.
331* Change provisions relating to the annexation of school districts.
336* State Lottery Act.
347* Require lotteries to be conducted by a lottery device.
359* Provide for metropolitan water and utilities districts' payment to cities.
361 Standards for control of traffic in severe or adverse weather.
363* Eliminate the sales tax on food purchased with food coupons.
371* Modify provisions relating to child support and alimony.
376* Provide for a rebuttable presumption in certain workmen's compensation claims.
389* Psychiatric Hospitalization of Minors Act.
470* Eliminate sunset provision for the Board of Examiners in Dentistry.
471* Eliminate the Nebraska Collection Agency Board.
472* Eliminate sunset provision for the Board of Nursing.
473* Change provisions relating to the State Board of Public Accountancy.
474* Create the Bureau of Administrative Support.
475* Create Abstracters Advisory Board to the Department of Insurance.
476* Eliminate sunset provision for the Board of Examiners in Pharmacy.
477* Change sunset provisions for the State Board of Landscape Architects.
478* Eliminate sunset provisions for the Board of Examiners for

Land Surveyors.
479* Change powers and duties of Accountability and Disclosure Commission.
480* Change powers and duties of the State Real Estate Commission.
481* Eliminate sunset provisions for the Board of Examiners of Psychologists.
525* Create a Youth Service Commission.
548 Require insurance coverage for alcoholism treatment.
549 Provide for reinstatement of legislators and public officials.
550 Require reinstatement of state legislators to former employment.
577* Finance the State Patrol's Protection of People and Property Program.
597* Reinstate property tax on personal property.

BERNICE R. LABEDZ

17* Provide a tax deduction for water and sewer service for livestock.
50* Allow use or sale of studded tires.
85* Prohibit certain reimbursements by the Department of Public Welfare.
86* Provide penalties for assault on persons over 62 years of age.
96* Assign responsibility for certain highway utility costs to state.
126* Provide a work-study program for postsecondary students.
153 Change homestead exemptions relating to certain personal property.
176* Change bingo licensing from state to local authority.
199A Appropriation Bill.
215* Prohibit certain financial interests in title insurance companies.
221* Interpreters for Deaf and Non-English Speaking Persons Act.
234* Change provisions relating to motor vehicle registration and titles.
235* Nebraska Nursing Home Act.
298* Change provisions relating to group life insurance requirements.
331* Change provisions relating to the annexation of school districts.
371* Modify provisions relating to child support and alimony.
434 Allow building and loan associations to use electric satellite facilities.

466A Appropriation Bill.
487 Prohibit discrimination based on familial status.
494 Change provisions relating to homestead exemptions.
516* Change provisions relating to the Board of Examiners for Professional Engineers and Architects.
524 Change the unemployment benefit table.
544* Create the office of county engineers in certain counties.
577* Finance the State Patrol's Protection of People and Property Programs.
581* Eliminate discriminatory factor in salary surveys.

HOWARD A. LAMB

19* Nebraska Beef Industry Development Act.
20* Change provisions relating to conservation loans.
39* Change valuation of school lands for tax purposes.
103 Change provisions relative to evaluation of probationary school employees.
104 Allow foreign exchange students to hold a hunting or fishing permit.
149 Exempt livestock owners from liability in certain situations.
230 Change requirements relating to formation of candidate committees.
231* Provide for a short-term commercial license for certain farm trucks.
236* Rename Nebraska Water Conservation Act as Nebraska Soil and Water Conservation Act.
293* Allow compensation to landowners for damages from wildlife.
294* Provide for an additional exemption for hunting and fishing permits.
385* Provide powers and duties for regional offices of mental retardation.
462 Permit sale of studded tires for vehicles licensed out of state.
484 Exempt funds for county extension work from budget limitations.
533* Change provisions for veterinary school construction relating to federal funds.
537 Require reimbursement for returned goods.
538 Require agency notice for public hearing on eminent domain acquisition.
587* Eliminate certain agricultural corporate reporting requirements.

DAVID M. LANDIS

59* Establish a retroactive state income tax rate.
63 Change publication requirements of certain county board proceedings.
64 Nebraska Low Income Energy Act.
65* Provide for the disclosure of information concerning state government.
71* Modify planning and zoning provisions for certain cities and villages.
100 Provide procedures for review of Public Service Commission certificates of convenience.
101 Extend time period for allowing or disallowing a sales and use tax claim.
135* Zoning ordinance provisions concerning planned unit development.
155* Require motor vehicle manufacturers to repair or replace defects.
166* Allow use of studded or spiked tires by vehicles with permits.
206* Restrict use of studded tires.
228* Change provisions relating to gas and oil severance taxes.
232* Change provisions relating to election of natural resource boards.
269* Increase salaries of judges of the Supreme Court.
278 Allow non-licensed insurance agents to sell home protection insurance.
363* Eliminate the sales tax on food purchased with food coupons.
370 Prohibit certain contracts involving city, village, and county officers.
372 Community Development Assistance Act.
372A Appropriation Bill.
442 Increase benefits for primary class firefighters and police officers.
449 Permit use of a single seat safety belt for two children.
455 Establish the Nebraska Sentencing Guidelines Commission.
489* Create the Nebraska Sentencing Guidelines Commission.
577* Finance the State Patrol's Protection of People and Property Program.

RAY E. LUNDY

71* Modify planning and zoning provisions for certain cities and villages.
155* Require motor vehicle manufacturers to repair or replace defects.
198* Provide for management and storage of water resources.

421* Authorize the issuance of fully registered bonds.
456* Create the Nebraska Advisory Commission on Intergovernmental Relations.

SHIRLEY M. MARSH

52 Change provisions relating to claims against a primary class city.
59* Establish a retroactive state income tax rate.
115 Authorize disability insurance coverage for state employees.
121 Increase number of Lancaster County district court judges.
121A Appropriation Bill.
264* Create the Workmen's Compensation Court Cash Fund.
265* Create the Workmen's Compensation Court Cash Fund.
267* Create the Workmen's Compensation Court Cash Fund.
268* Create the Self-Insurance Cash Fund.
276* Change provisions relating to court jurisdiction in divorce cases.
305* Designate Nebraska as The Tree Planting State on motor vehicle plates.
306 Require children under four years of age to wear seat safety belts.
323* Change provisions relating to duties and powers of dental hygienists.
371* Modify provisions relating to child support and alimony.
419 Change requirements for initial entrance into public schools.
470* Eliminate sunset provision for the Board of Examiners in Dentistry.
471* Eliminate the Nebraska Collection Agency Board.
472* Eliminate sunset provision for the Board of Nursing.
473* Change provisions relating to the State Board of Public Accountancy.
475* Create Abstracters Advisory Board to the Department of Insurance.
476* Eliminate sunset provision for the Board of Examiners in Pharmacy.
477* Change sunset provisions for the State Board of Landscape Architects.
478* Eliminate sunset provisions for the Board of Examiners for Land Surveyors.
479* Change powers and duties of Accountability and Disclosure Commission.
480* Change powers and duties of the State Real Estate Commission.

481* Eliminate sunset provisions for the Board of Examiners of Psychologists.

PATRICIA S. MOREHEAD

155* Require motor vehicle manufacturers to repair or replace defects.
236* Rename Nebraska Water Conservation Act as Nebraska Soil and Water Conservation Act.
256* Allow school district officers to be parties to contracts with districts.
257* Prohibit compensation of school board members except for expenses.
264* Create the Workmen's Compensation Court Cash Fund.
265* Create the Workmen's Compensation Court Cash Fund.
267* Create the Workmen's Compensation Court Cash Fund.
268* Create the Self-Insurance Cash Fund.
291* Allow certain cities and villages to have civil service commissions.
363* Eliminate the sales tax on food purchased with food coupons.
371* Modify provisions relating to child support and alimony.
440 Provide penalties for crimes against industrial loan and investment companies.
470* Eliminate sunset provision for the Board of Examiners in Dentistry.
471* Eliminate the Nebraska Collection Agency Board.
472* Eliminate sunset provision for the Board of Nursing.
473* Change provisions relating to the State Board of Public Accountancy.
474* Create the Bureau of Administrative Support.
475* Create Abstracters Advisory Board to the Department of Insurance.
476* Eliminate sunset provision for the Board of Examiners in Pharmacy.
477* Change sunset provisions for the State Board of Landscape Architects.
478* Eliminate sunset provisions for the Board of Examiners for Land Surveyors.
479* Change powers and duties of Accountability and Disclosure Commission.
480* Change powers and duties of the State Real Estate Commission.
481* Eliminate sunset provisions for the Board of Examiners of Psychologists.
577* Finance the State Patrol's Protection of People and

Property Program.

DAVID R. NEWELL

47* Provide for a sales tax on services.
96* Assign responsibility for certain highway utility costs to the state.
99 Change requirements relating to financial needs of college students.
106 Change scholarship award requirements for colleges and universities.
133 Provide for an additional type of liquor license.
166* Allow use of studded or spiked tires by vehicles with permits.
169* Provide for the setting of sales and income tax rates.
201 Provide that school retirement systems be considered new programs.
206* Restrict use of studded tires.
321 Change provisions relating to school retirement system.
331* Change provisions relating to the annexation of school districts.
363* Eliminate the sales tax on food purchased with food coupons.
384 Change manner of appointment of election commissioners.
430* Provide for a study to extend public radio service.
432 Change certain disqualification provisions for unemployment.
451 Provide industrial financing for development of blighted areas.
454* Change interest rate charges on credit cards.
456* Create the Nebraska Advisory Commission on Intergovernmental Relations.
459 Rename the Policy Research Office.
460 Expand powers of hospital authorities to issue bonds.
467 Change certain provisions relating to school district reorganization.
483 Require Commission of Industrial Relations subject to certain provisions of law.
488 Change retirement benefits for Omaha public school employees.
493 Provide for district election of Douglas County commissioners.
577* Finance the State Patrol's Protection of People and Property Program.

WILLIAM E. NICHOL

43* Provide duties for public bodies holding public meetings.
56* Raise the legal drinking age to twenty-one.
83* Provide additional functions and powers to the Mexican-American Commission.
198* Provide for management and storage of water resources.
363* Eliminate the sales tax on food purchased with food coupons.
588* Change provisions for driving while intoxicated.
601** Appropriations for expenses of Nebraska State Government.
602** Provide for deficiency appropriations.
603** Changes relating to certain state administrative departments.
604** Delay transfer of administration of county welfare programs to the state.
605** Appropriation for salaries of members of the Legislature.
606** Change provisions relating to public bodies.
607** Change provisions relating to certain state funds.
608** Appropriations for salaries of officers of Nebraska State Government.
609** Change provisions relating to issuance and purchase of license plates.
610** Transfer control of state wayside areas to the Department of Roads.
626** Nebraska Investment Finance Authority Act.
627** Nebraska Products and Commodities Marketing Act.
632** Change provisions relating to the state insurance program.

JAMES E. PAPPAS

90 Establish a day in recognition of Native Americans.
90A Appropriation Bill.
91 Transportation of students at discretion of school district.
134 Allow retired state employees to retain group health insurance.
155* Require motor vehicle manufacturers to repair or replace defects.
166* Allow use of studded or spiked tires by vehicles with permits.
179* Establish certain equipment requirements for cabooses and engines.
206* Restrict use of studded tires.
236* Rename Nebraska Water Conservation Act as Nebraska Soil and Water Conservation Act.
252* Provide procedures for acquiring a cooperative credit association.

256* Allow school district officers to be parties to contracts with districts.
257* Prohibit compensation of school board members except for expenses.
297* Allow signs to be erected within 600 feet of highway rights-of-way.
336* State Lottery Act.
347* Require lotteries to be conducted by a lottery device.
392* Provide for the release of juvenile court records to school districts.
441* Eliminate insanity as a defense to criminal conduct.
501* Combine the Office of Probation Administration and the Office of Parole Administration.
502* Require agricultural equipment manufacturers to repair or replace equipment.
573* Nebraska Bovine Brucellosis Act.
579* Authorize Department of Agriculture to provide management services.
580* Provide for regulation of weights and measures fees.
631* Industrial Financing Corporation Act.

HOWARD L. PETERSON

19* Nebraska Beef Industry Development Act.
35* Procedures for the Nebraska Natural Resources Commission and the Department of Water Resources.
45 Permit waiver of certain requirements for private schools.
46 Remove State Board of Education authority over private schools.
50* Allow use or sale of studded tires.
56* Raise the legal drinking age to twenty-one.
155* Require motor vehicle manufacturers to repair or replace defects.
180 Allow certain counties to establish a community work force program.
198* Provide for management and storage of water resources.
234* Change provisions relating to motor vehicle registration and titles.
255* Appropriate funds to carry out the Scholarship Award Program.
264* Create the Workmen's Compensation Court Cash Fund.
265* Create the Workmen's Compensation Court Cash Fund.
267* Create the Workmen's Compensation Court Cash Fund.
268* Create the Self-Insurance Cash Fund.
294* Provide for an additional exemption for hunting and fishing permits.

343* Change filing place for security interest on farm property.
391 Authorize county treasurers to invest bond fund money.
394* Change certain provisions relating to county jails.
470* Eliminate sunset provision for the Board of Examiners in Dentistry.
471* Eliminate the Nebraska Collection Agency Board.
472* Eliminate sunset provision for the Board of Nursing.
473* Change provisions relating to the State Board of Public Accountancy.
475* Create Abstracters Advisory Board to the Department of Insurance.
476* Eliminate sunset provision for the Board of Examiners in Pharmacy.
477* Change sunset provisions for the State Board of Landscape Architects.
478* Eliminate sunset provisions for the Board of Examiners for Land Surveyors.
479* Change powers and duties of Accountability and Disclosure Commission.
480* Change powers and duties of the State Real Estate Commission.
481* Eliminate sunset provisions for the Board of Examiners of Psychologists.
560* Provide a tax credit for businesses which create jobs.

RICHARD PETERSON

155* Require motor vehicle manufacturers to repair or replace defects.
206* Restrict use of studded tires.
226* Authorization for sale of land to Northeast Technical Community College.
237* Establish a retirement system for first class city police officers.
285* Change provisions relating to unemployment benefits.
294* Provide for an additional exemption for hunting and fishing permits.
314* Occupational Therapy Act.
573* Nebraska Bovine Brucellosis Act.
579* Authorize Department of Agriculture to provide management services.
580* Provide for registration of weights and measures fees.
583* Restrict funding for certain mental health programs.
620 Authorize the use of land in Norfolk for a public safety training center.

CAROL MCBRIDE PIRSCH

48* Remove eligibility of unborn children for aid benefits.
77* Forfeiture of anything of value furnished in exchange for drugs.
78 Require county attorney to furnish certain information to crime victim.
79 Change provisions relating to sexual assault.
80 Change provisions relating to reduction of prison sentences.
81 Change membership of the sheriff's office merit commission.
82 Allow state agency heads to serve on state advisory boards or commission.
96* Assign responsibility for certain highway utility costs to state.
145 Change requirement for display of motor vehicle registration certificate.
146 Change requirements for adoption of foreign born children.
167 Relinquish driver's license upon violation of a traffic law.
183* Require burden of proof for insanity plea be placed on defendant.
184 Tax increase on beer to be placed in the Crime Victim's Cash Fund.
233* Provide for restitution to victims of crime.
234* Change provisions relating to motor vehicle registration and titles.
331* Change provisions relating to the annexation of school districts.
359* Provide for metropolitan water and utilities districts' payments to cities.
363* Eliminate the sales tax on food purchased with food coupons.
485 Prohibit covering windows of motor vehicles.

R. WILEY REMMERS

50* Allow use or sale of studded tires.
57 Define the offense of theft of a controlled substance.
96* Assign responsibility for certain highway utility costs to state.
148 Allow the licensing of golf course superintendents.
234* Change provisions relating to motor vehicle registration and titles.
253* Require proof of financial responsibility for motor vehicle registration.

291* Allow certain cities and villages to have civil service commissions.
297* Allow signs to be erected within 600 feet of highway rights-of-way.
310 Change eligibility requirements for water commissioner in second class cities.
343* Change filing place for security interest on farm property.
363* Eliminate the sales tax on food purchased with food coupons.
382 Prolong coverage for industrial loan and investment companies.
394* Change certain provisions relating to county jails.
429* Include hospitals and nursing homes under Nebraska Development Finance Fund.
444* Public Education Income Act.
573* Nebraska Bovine Brucellosis Act.
579* Authorize Department of Agriculture to provide management services.
580* Provide for regulation of weights and measures fees.

LEE RUPP

363* Eliminate the sales tax on food purchased with food coupons.
403 Change analysis of controlled substances to the Nebraska State Patrol.
403A Appropriation Bill.

LORAN SCHMIT

20* Change provisions relating to conservation loans.
21 Modify provisions relating to certain water rights.
53* Change approval of vouchers for the Wheat Development and Marketing Fund.
70* Require an analysis of investment return on retirement funds.
70A* Appropriation Bill.
72* Change registration fee for certain combinations of farm vehicles.
73* Change provisions for regulation of grain warehouses.
73A Appropriation Bill.
74 Provide when a paternity action may be brought.
75 Conveyance of real estate from Pauline Armstrong to the state of Nebraska.
156 Define and redefine terms relating to school district fiscal year.

157* Grain Storage Act.
198* Provide for management and storage of water resources.
200* Ratify the Central Interstate Low-Level Radioactive Waste Compact.
200A Appropriation Bill.
224* Change provisions for severance tax on oil and natural gas.
236* Rename Nebraska Water Conservation Act as Nebraska Soil and Water Conservation Act.
252* Provide procedures for acquiring a cooperative credit association.
269* Increase salaries of judges of the Supreme Court.
282 Increase amount of funds credited to Agriculture Alcohol Fuel Tax Fund.
282A Appropriation Bill.
297* Allow signs to be erected within 600 feet of highway rights-of-way.
298* Change provisions relating to group life insurance requirements.
326 Provide criteria for inspection of a person's driving record.
327 Eliminate restrictions for acquisition of power facilities and lines.
343* Change filing place for security interest on farm property.
349* Withdraw public employees from the social security system.
363* Eliminate the sales tax on food purchased with food coupons.
371* Modify provisions relating to child support and alimony.
371A Appropriation Bill.
393* Change boundaries of the Nebraska brand inspection area.
397 Additional requirements for certain commercial vehicles.
398 Provide an appropriation to the Crime Victim's Reparations Board.
399 Define additional terms relating to the juvenile code.
431 Allocation of ground water for family and nonfamily farm and ranch corporations.
452* Exempt certain irrigation equipment from sales and use tax.
500* Authorize Department of Correctional Services to provide inmate labor.
500A Appropriation Bill.
501* Combine the Office of Probation Administration and Office of Parole Administration.
502* Require agriculture equipment manufacturers to repair or replace equipment.
503 Create a Railroad Branch Line Improvement Fund.
503A Appropriation Bill.
504 Allow coordination of various agricultural boards.

505 Provide powers for certain commodity boards.
519* Retirement plan for police officers of first class cities.
525* Create a Youth Service Commission.
559* Provide for eminent domain powers for coal slurry pipelines.
562* Eliminate certain loan requirements of the Agricultural Development Corporation Act.
563* Prohibit causes of action for wrongful life claims.
566 Require inspection and certification prior to exportation of grain.
576 Authorize rules and regulations relating to injection wells.
586* Provide for distribution of funds to political subdivisions.
587* Eliminate certain agricultural corporate reporting requirements.
597* Reinstate property tax on personal property.
598 Provide duties for the Nebraska District Court Judges Association.
599* Corporate Takeover Act.

HAROLD F. SIECK

19* Nebraska Beef Industry Development Act.
23 Change provisions relating to fees for certain well permits.
97 Change certain duties of the county treasurer.
117* Protection of buyers of farm equipment under Uniform Commercial Code.
131 Change procedure for dismissal of appointed officers of second class cities.
142* Define practice of chiropractic and continue Board of Examiners.
147 Provide an income tax exemption for federal civil service annuities.
166* Allow use of studded of spiked tires by vehicles with permits.
198* Provide for management and storage of water resources.
205* Allow a defense of flooding for tort claims against political subdivisions.
206* Restrict use of studded tires.
233* Provide for restitution to victims of crime.
234* Change provisions relating to motor vehicle registration and titles.
252* Provide procedures for acquiring a cooperative credit association.
293* Allow compensation to landowners for damages from wildlife.
294* Provide for an additional exemption for hunting and

fishing permits.
319* Provide a definition of motor carrier for unemployment insurance.
343* Change filing place for security interest on farm property.
385* Provide powers and duties for regional offices of mental retardation.
394* Change certain provisions relating to county jails.
443* Provide another exception to trial by jury.
444* Public Education Income Tax Act.
500* Authorize Department of Correctional Services to provide inmate labor.

TOM VICKERS

19* Nebraska Beef Industry Development Act.
66 Exempt oil and gas lease sales from the Nebraska Real Estate License Act.
67 Authorize certain water reporting and consultation.
68 Election of additional county officers on a nonpartisan ballot.
94 Provide exemption from special assessments for agricultural use lands.
117* Protection of buyers of farm equipment under Uniform Commercial Code.
141* Provide for early transfer of high school students to college.
154 Procedures relating to notices for control of noxious weeds.
164* Prohibit political party contributions to legislative campaigns.
179* Establish certain equipment requirements for cabooses and engines.
207 Allow interdistrict cooperative school agreements for vocational service.
210* Prohibit use of gender in determining certain public retirement benefits.
224* Change provisions for severance tax on oil and natural gas.
286A Appropriation Bill.
337 Distribution of technical commumity college funds.
341* Provide the source of funds for the School Foundation and Equalization Fund.
341A Appropriation Bill.
343* Change filing place for security interest on farm property.
350* Provide civil remedies for diversion of utility services.
353* Change provisions relating to franchise taxes on utilities.
385* Provide powers and duties for regional offices of mental retardation.
430* Provide for a study to extend public radio service.

441* Eliminate insanity as a defense to criminal conduct.
568A Appropriation Bill.
581* Eliminate discriminatory factor in salary surveys.
585A Appropriation Bill.

MERLE VON MINDEN

19* Nebraska Beef Industry Development Act.
38* Increase the Veterans' Aid Fund.
48* Remove eligibility of unborn children for aid benefits.
125 Allow first and second class cities discretion in creating improvement district.
155* Require motor vehicle manufacturers to repair or replace defects.
166* Allow use of studded or spiked tires by vehicles with permits.
206* Restrict use of studded tires.
226* Authorization for sale of land to Northeast Technical Community College.
285* Change provisions relating to unemployment benefits.
294* Provide for an additional exemption for hunting and fishing permits.
339* Family Farm Preservation Act.
365* Change provisions for deductions from horse racing wagers.
394* Change certain provisions relating to county jails.
443* Provide another exception to trial by jury.

DONALD L. WAGNER

33 Authorize Department of Water Resources to conduct data collection.
33A Appropriation Bill.
34 Provisions for disposal for deer or antelope killed by motor vehicles.
35* Procedures for Nebraska Natural Resources Commission and Department of Water Resources.
35A Appropriation Bill.
36 Modify election procedures of the Natural Resources Commission.
37 Eliminate a restriction on membership of the Natural Resources Commission.
38* Increase the Veterans' Aid Fund.
47* Provide for a sales tax on services.
50* Allow use or sale of studded tires.
187 Change width restrictions for certain combines.

188 Include farmers in merchant definition under Uniform Commercial Code.
198* Provide for management and storage of water resources.
264* Create the Workmen's Compensation Court Cash Fund.
265* Create the Workmen's Compensation Court Cash Fund.
267* Create the Workmen's Compensation Court Cash Fund.
268* Create the Self-Insurance Cash Fund.
297* Allow signs to be erected within 600 feet of highway rights-of-way.
465 Change election provisions for school district reorganization.
470* Eliminate sunset provision for the Board of Examiners in Dentistry.
471* Eliminate the Nebraska Collection Agency Board.
472* Eliminate sunset provision for the Board of Nursing.
473* Change provisions relating to the State Board of Public Accountancy.
474* Create the Bureau of Administrative Support.
475* Create Abstracters Advisory Board to the Department of Insurance.
476* Eliminate sunset provision for the Board of Examiners in Pharmacy.
477* Change sunset provisions for the State Board of Landscape Architects.
478* Eliminate sunset provisions for the Board of Examiners for Land Surveyors.
479* Change powers and duties of Accountability and Disclosure Commission.
480* Change powers and duties of the State Real Estate Commission.
498 Authorize State Fire Marshal to inspect premises of liquor licensees.

JEROME WARNER

24 Prohibit trapping of certain animals.
25 Establish the Sales Tax Fund for aid to political subdivisions.
26 Restrict uses of land zoned as agricultural.
27* Change duties of the Board of Equalization and Assessment.
28 Provide for carbon monoxide detection tests for certain equipment.
29 Expand acquisition powers of a city or village.
30 Change annual meeting date of the State Board of Agriculture.

31	Require certain disclosure statements from legislative lobbyists.
32	Increase penalty for unlawful restraint of trade.
59*	Establish a retroactive state income tax rate.
118	Provide for the purchase of motor vehicle license plates.
118A	Appropriation Bill.
119	Allow Department of Roads to acquire certain railroad property.
120	Restrictions for erection or maintenance of highway advertising signs.
126A	Appropriation Bill.
132	Damages recovered by Attorney General to be placed in Highway Cash Fund.
198*	Provide for management and storage of water resources.
235A	Appropriation Bill.
244	Allow vehicles of a certain width to travel on interstate highways.
264*	Create the Workmen's Compensation Court Cash Fund.
265*	Create the Workmen's Compensation Court Cash Fund.
267*	Create the Workmen's Compensation Court Cash Fund.
268*	Create the Self-Insurance Cash Fund.
273A	Appropriation Bill.
406	Modify provisions for passing on the right of a vehicle.
407	Authorize the sale of land in Lancaster County to the Department of Roads.
408*	Authorize the sale of land in Hall County to the Department of Roads.
409	Provide rewards to persons causing conviction of game law violators.
410	Change distribution of cigarette tax relating to the University of Nebraska.
410A	Appropriation Bill.
411	Provide for length limitation on certain trucks and trailers.
412	Allow certain motor vehicle fees to be paid at weighing stations.
470*	Eliminate sunset provision for the Board of Examiners in Dentistry.
470A	Appropriation Bill.
471*	Eliminate the Nebraska Collection Agency Board.
472*	Eliminate sunset provision for the Board of Nursing.
473*	Change provisions relating to the State Board of Public Accountancy.
474*	Create the Bureau of Administrative Support.
475*	Create Abstracters Advisory Board to the Department of Insurance.

476* Eliminate sunset provision for the Board of Examiners in Pharmacy.
476A Appropriation Bill.
477* Change sunset provisions for the State Board of Landscape Architects.
477A Appropriation Bill.
478* Eliminate sunset provisions for the Board of Examiners for Land Surveyors.
478A Appropriation Bill.
479* Change powers and duties of Accountability and Disclosure Commission.
480* Change powers and duties of the State Real Estate Commission.
481* Eliminate sunset provisions for the Board of Examiners of Psychologists.
481A Appropriation Bill.
528 Provide for a special water master.
529 Provide for annual percentage increase in salaries of state employees.
530 Increase the tax on gasohol.
581* Eliminate discriminatory factor in salary surveys.
632A Appropriation Bill.

DONALD WESELY

22 Change provisions relating to business improvement districts.
38* Increase the Veterans' Aid Fund.
44* Repeal of certain obsolete statutes.
65* Provide for the disclosure of information concerning state government.
122* Public Service Intervenor Act.
124* Change provisions relating to lighting and thermal efficiency standards.
155* Require motor vehicle manufacturers to repair or replace defects.
166* Allow use of studded or spiked tires by vehicles with permits.
204* Increase traffic violation point system.
204A Appropriation Bill.
206* Restrict use of studded tires.
228* Change provisions relating to gas and oil severance taxes.
232* Change provisions relating to election of natural resource boards.
235* Nebraska Nursing Home Act.
275 Building Construction Act.

295 Prohibit the use of automatic dialing-announcement devices.
324 Change provisions relating to certain life insurance policies.
338 Authorize Department of Public Institutions to sell certain property.
371* Modify provisions relating to child support and alimony.
381* Change provisions relating to preference for ground water users.
408* Authorize the sale of land in Hall County to the Department of Roads.
439 Change termination date for the Rural Health Manpower Commission.
439A Appropriation Bill.
457 Change annuity formula for school retirement system.
540 Establish sheltered workshops to serve the physically or mentally disabled.
541 Define the practice of podiatry.
542 Require continuing education for sanitarians.
542A Appropriation Bill.
543 Increase unemployment benefits.
546* Eliminate reimbursement for the collection of sales and use taxes.
560* Provide a tax credit for businesses which create jobs.
571* Change a shrinkage allowance on motor vehicle fuels.
624 Provide for tax assessments for schools for removal and replacement of building materials containing asbestos.

STEVE WIITALA

60 Provide for removal and donation of the cornea during an autopsy.
61 Provide for hearings and appeals related to adoption.
62 Provide a foreign language assistance program.
62A Appropriation Bill.
95 Require financial institutions to credit interest to accounts.
96* Assign responsibility for certain highway utility costs to state.
122* Public Service Intervenor Act.
155* Require motor vehicle manufacturers to repair or replace defects.
158 Increase workmen's compensation limits.
158A Appropriation Bill.
166* Allow use of studded or spiked tires by vehicles with permits.
168 Mobile Home Park Bill of Rights Act.
206* Restrict use of studded tires.

215* Prohibit certain financial interests in title insurance companies.
217 Change disability compensation rates for certain state employees.
221* Interpreters for Deaf and Non-English Speaking Persons Act.
227 Establish salary considerations for certain special education teachers.
228* Change provisions relating to gas and oil severance taxes.
234* Change provisions relating to motor vehicle registration and titles.
234A Appropriation Bill.
235* Nebraska Nursing Home Act.
280* Provide duties for employers regarding toxic substances.
323* Change provisions relating to duties and powers of dental hygienists.
331* Change provisions relating to the annexation of school districts.
341* Provide the source of funds for the School Foundation and Equalization Fund.
363* Eliminate the sales tax on food purchased with food coupons.
371* Modify provisions relating to child support and alimony.
376* Provide for a rebuttable presumption in certain workmen compensation claims.
388 Allow children housed on state-owned property to attend school tuition free.
389* Psychiatric Hospitalization of Minors Act.
430* Provide for a study to extend public radio.
433* Uniform Condominium Act.
436 Require hospitals to publish a list of certain hospital costs.
437 Change membership on the Nebraska Coordinating Commission for Postsecondary Education.
446 Professional Staff Development Fund.
450* Create a county Peace Officers Retirement System.
497 Modify and eliminate premarital examinations.
551* Prohibit sale of certain agricultural commodities below minimum prices.
567* Employee Protection and Community Stabilization Act.
573* Nebraska Bovine Brucellosis Act.
577* Finance the State Patrol's Protection of People and Property Program.
579* Authorize Department of Agriculture to provide management services.
580* Provide for regulation of weights and measures fees.

RON WITHEM

363* Eliminate the sales tax on food purchased with food coupons.

* With others.
** At the request of the Governor.

LEGISLATIVE BILLS INTRODUCED BY COMMITTEES

AGRICULTURE AND ENVIRONMENT

19* Nebraska Beef Industry Development Act.
20* Change provisions relating to conservation loans.
200* Ratify the Central Interstate Low-Level Radioactive Waste Compact.
533* Change provisions for veterinary school construction relating to federal funds.
534 Pseudorabies Control Act.
535 Modify provisions relating to grain sorghum development.
536 Change provisions relating to brands and branding.

APPROPRIATIONS

468 Require funds managed by state investment officer to share expenses.
527 Create funds for School for Visually Handicapped and School for the Deaf.
617 Establish and increase certain fees.
618 Change provisions relating to various state programs and agencies.
628 Appropriations for the operation of state agencies, boards and commissions.
629 Appropriations for selected state agencies, state aid and capitol construction projects.
630 Appropriations for capitol construction projects and capitol construction reaffirmations and reappropriations.

BANKING, COMMERCE AND INSURANCE

238 Provide for the management of certain funds of Board of Educational Lands and Funds.
239 Change provisions for directors of industrial loan and investment companies.
240 Change provisions relating to control of state-chartered banks.
241 Provide for merger or acquisition of certain financial institutions.
243 Require title insurance agents to be licensed abstractors.
299 Provide for certain investments by domestic life insurance companies.
300 Change requirements for corporate mergers.
301 Provide for investments of an insurance company in certain funds.

BUSINESS AND LABOR

248 Change provisions relating to employment security.
249 Changes relating to employer contributions to employment security.
621 Provide for the payment of certain claims against the state.
622 Disallow certain claims against the state.

CONSTITUTIONAL REVISION AND RECREATION

170 Provide for limited permits to hunt antelope and wild turkeys.
171 Increase motor vehicle fees and place in State Recreation Road Fund.
173 Provide for lifetime hunting and fishing licenses.
174 Establish a requirement for trout fishing stamps.
175 Provide for establishment of special hunting seasons for deer.
199 Increase park entry permit fee.
466 Establish a voluntary check-off program for endangered species.

EDUCATION

286 Change provisions relating to nonresident tuition and foreign students.
287 Change provisions relating to School Foundation and Equalization Fund.
288 Provide for an alternative school year.
289 Reclassification of certain school districts.
290 Change powers and duties of Nebraska Coordinating Commission for Postsecondary Education.
568 Vocational Education Incentive Funding Act.
584 Registration of teacher and administrator certificates.
585 Nebraska Mathematics and Science Teaching Student Assistance Act.

EXECUTIVE BOARD

1 Revisor bill to repeal certain obsolete statutes.
2 Increase probate fee.
3 Revisor bill to correct an internal reference to public records.
564 Repeal the Nebraska Transportation Advisory Committee.
565 Authorize the withholding of certain legislative records.

GOVERNMENT, MILITARY AND VETERANS AFFAIRS

367 Repeal provisions relating to mosquito abatement.
368 Change provisions relating to officers of first and second class cities.
369 Increase the bond requirements for certain state officers.
623 Change various provisions relating to elections.

JUDICIARY

138 Provide powers and duties to the court regarding custody in divorce cases.
271 Create the Supreme Court Reports Revolving Fund.
272 Provide additional powers and duties for judges.
277 Change a limitation on certain awards for attorney fees.
373 Change a limitation on certain probate proceedings.
374 Exclude conducting or participating in an athletic event as gambling.

LAW ENFORCEMENT AND JUSTICE ADVISORY

139 Eliminate a provision regarding driving with a revoked operator's license.
270 Allow interdistrict cooperative school agreements for vocational service.
591 Provide for mandatory disposition of instate detainers.
592 Change provisions relating to disciplinary action hearings.
593 Change provisions relating to sentence reduction for prisoners.
594 Allow the sale and service of products by Department of Correctional Services.
625 Establish provisions for the use of wiretaps by the Federal Bureau of Investigation.

MISCELLANEOUS SUBJECTS

213 Change provisions relating to the sale of liquors.
214 Change provisions relating to the Political Accountability and Disclosure Act.
258 Change provisions relating to bingo.
259* Create the Nebraska Bingo and Pickle Card Regulatory Commission.

NEBRASKA RETIREMENT SYSTEMS

216 Allow part-time employees to participate in county

retirement plan.
218 Provide for pick up by employer of certain retirement contributions.
219 Change membership provisions of state employee retirement plan.
220 Authorize a pension program for certain volunteer fire departments.
222 Retirement changes for transferred county employees.
223 Change retirement provisions for judges.
357 Change provisions relating to first class city police officer pensions.
526 Require certain cities or villages to create retirement committees.

PERFORMANCE REVIEW AND AUDIT

469 Eliminate a requirement that certain fees be deposited in the General Fund.
611 Provide that optional Medicaid services may be provided.
612 Allow all political subdivisions to contract for their annual audit.
613 Provide that transportation be considered an allowable special education cost.
614 Provide for payment of costs by parents for children in foster homes.
615 Extend time period for prorated refund of private employment agency fee.
616 Repeal reimbursement of out-of-state tuition for Class VI students.

PUBLIC HEALTH AND WELFARE

414 Change provisions relating to infant screening of metabolic disorders.
415 Change provisions relating to placement of dependent and neglected children.
416 Allow unlicensed hospital personnel to administer medication.
417 Reimbursement to district court for child support transactions.
547 Change provisions related to sentencing mentally-disordered sex offenders.

PUBLIC WORKS

378 Change provisions relating to a ground water management

plan.
379 Establish ground water allocation levels.
380 Modify provisions relating to forfeiture of water appropriations.
545* Water Resources Development Act.

REVENUE

192 Modify cigarette tax rates.
193 Change provisions relating to certain railroad and air carrier taxes.
194 Change provisions relating to the Documentary Stamp Act.
195 Change provisions relating to homestead exemptions.
196 Provide for a sales tax on computer software, tapes, or films.
302 Modify provisions relating to motor vehicle and special fuels.
395 Eliminate sales tax exemption for certain utilities.
396 Eliminate certain homestead exemptions.

URBAN AFFAIRS

303 Change interest provisions on payments due contractors by Sanitary Improvement Districts.
304 Change limits of a board of public works of certain cities and villages.
572 Authorize creation of a board of public docks.

* With others.

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LEGISLATIVE BILLS AND RESOLUTIONS REFERRED TO COMMITTEE

Agriculture & Environment

Chairperson - Rex Haberman

19	20	30	53	55	73	127	149
154	157	181	200	339	356	393	426
504	505	509	534	535	536	539	551
562	566	573	576	579	580	587	627
LR87							

Appropriations

Chairperson - Jerome Warner

38	132	255	263	264	265	266	267
268	271	282	354	398	410	468	469
527	529	577	581	601	602	605	607
608	615	617	618	632			

Banking, Commerce & Insurance

Chairperson - John DeCamp

58	64	66	69	95	111	114	115
117	124	134	136	143	144	155	177
178	182	188	197	215	238	239	240
241	243	252	253	260	278	298	299
300	301	324	340	343	360	382	390
433	434	453	454	460	461	473	475
480	502	508	515	548	554	557	582
599	603	626	631				

Business & Labor

Chairperson - Bill Barrett

18	109	158	185	217	248	249	279
280	285	292	376	402	424	432	483
496	521	523	524	537	543	567	621
622							

Constitutional Revision & Recreation

Chairperson - Bernice Labedz

24	34	75	104	162	163	170	171
173	174	175	199	293	294	409	466
610	LR1	LR2	LR3	LR4	LR5	LR6	LR8
LR10	LR11	LR12	LR14	LR15	LR17	LR18	LR19
LR20	LR21	LR22					

Education

Chairperson - Tom Vickers

6	7	9	29	39	45	46	62
91	99	103	106	126	130	141	159
160	186	203	207	209	211	227	256
257	284	286	287	288	289	290	296
328	331	332	333	337	341	385	387
388	419	430	437	445	446	465	467
495	514	533	556	568	584	585	613
616							

Government, Military & Veterans Affairs

Chairperson - Dave Landis

42	43	63	65	68	81	82	83
90	97	108	129	148	180	311	315
325	338	349	352	369	370	383	384
456	459	463	471	474	477	478	493
498	516	518	544	549	550	565	606
612	620	623	LR49	LR50	LR71	LR72	

Judiciary

Chairperson - Chris Beutler

4	5	8	13	32	40	41	54
57	74	77	78	79	80	84	86
88	107	110	121	123	137	138	139
146	168	183	189	202	205	208	221
233	261	269	270	272	276	277	283
307	312	318	320	329	330	334	351
355	358	361	371	373	374	377	392
394	399	403	405	420	422	425	428
440	441	443	447	448	455	464	487
489	492	499	500	501	507	510	511

525 532 538 547 555 563 569 588
589 590 591 592 593 594 598 614
625

Miscellaneous Subjects

Chairperson - Elroy Hefner

28 31 56 92 116 133 151 164
176 190 213 214 226 229 230 251
258 259 262 295 336 347 407 408
427 479 522 564 575

Nebraska Retirement Systems

Chairperson - Steve Fowler

16 70 165 201 210 216 218 219
220 222 223 237 313 321 357 442
450 457 488 519 526 531 552 553

Public Health & Welfare

Chairperson - George Fenger

48 51 60 61 85 87 93 112
113 140 142 161 225 235 254 273
274 275 306 314 323 367 389 400
401 413 414 415 416 417 418 436
439 449 470 472 476 481 486 490
497 517 541 542 561 583 611

Public Works

Chairperson - Loran Schmit

10 11 15 21 23 33 35 36
37 49 50 67 72 76 96 98
100 118 119 120 122 128 145 152
166 167 179 187 191 198 204 206
231 232 234 236 242 244 246 247
297 305 309 316 319 326 327 335
342 348 350 366 375 378 379 380
381 397 406 411 412 431 458 462
482 485 503 506 512 528 545 558
559 574 578 595 596 609 LR37 LR62

LR197

Revenue

Chairperson - Calvin Carsten

12	14	17	25	26	27	47	59
89	101	102	105	147	153	156	169
172	184	192	193	194	195	196	212
224	228	245	302	317	322	344	345
346	353	363	364	365	372	391	395
396	404	421	423	435	444	452	484
491	494	520	530	546	560	570	571
586	597	600	604	619	624	LR70	

Urban Affairs

Chairperson - Dave Newell

22	52	71	94	125	131	135	150
250	281	291	303	304	308	310	359
362	368	386	429	438	451	513	540
572							

SUMMARY OF LEGISLATIVE BILLS

The following table shows the final disposition of each bill

Length 90 days

Total Number of Bills Introduced 632
Total Number of "A" Bills Introduced 65
Total Number of Resolutions Introduced 219
Total Number of Bills to Become Law.....295

General File (134) (Chronological order):

171	49	466	466A	243	165	165A	445
344	344A	251	251A	338	492	500	500A
430	568	568A	333	395	368	25	318
189	232	283	217	63	543	275	9
216	14	373	377	341	341A	132	470
470A	482	407	442	526	526A	226	LR12
122	122A	348	342	79	276	576	218
222	278	360	460	190	372	372A	324
260	300	256	287	416	416A	540	LR1
LR3	527	229	560	297	481	481A	510
496	296	403	403A	405	507	LR20	130
130A	564	284	286	286A	545	140	140A
551	68	591	625	630	80	LR4	LR2
477	477A	478	478A	595	152	38	426
426A	623	183	529	255	220	312	117
290	419	631	212	13	394	420	590
553	457	450	450A	321	56		

General File (134) (Numerical order):

9	13	14	25	38	49	56	63
68	79	80	117	122	122A	130	130A
132	140	140A	152	165	165A	171	183
189	190	212	216	217	218	220	222
226	229	232	243	251	251A	255	256
260	275	276	278	283	284	286	286A
287	290	296	297	300	312	318	321
324	333	338	341	341A	342	344	344A
348	360	368	372	372A	373	377	394
395	403	403A	405	407	416	416A	419
420	426	426A	430	442	445	450	450A
457	460	466	466A	470	470A	477	477A

478	478A	481	481A	482	492	496	500
500A	507	510	526	526A	527	529	530
540	543	545	551	553	560	564	568
568A	576	590	591	595	623	625	631
LR1	LR2	LR3	LR4	LR12	LR20		

Select File (9):

249	129	150	227	503	503A	LR10	336A
336							

Final Reading (2):

371A 388

Approved by Governor (289):

1	2e	3	10	11e	17	18	18A
19e	19Ae	20e	21	22	23	24	26
29	30	32	33	33A	34	35	35A
36	37	39	43	44	50	52	53
58	59e	60	66e	70	70A	71e	72
73	73A	75	78	81	82	83	87
88	90e	90Ae	94	96e	98	101	104
107	108	110	111	114	116e	118e	118Ae
119	120e	121	121A	124	125	133	135
137	138	139e	142	143e	144e	145	146e
149	154	155e	158	158A	159	162	163e
169	170	173	174	177e	178e	178Ae	179
180	181	182	185	188	191	192e	193e
194	195	197	198	199	199A	200e	200Ae
201e	203	204	204A	207	208	209	210
210A	213e	213A	214e	215	219	223	224
225	225A	228	230	234	234A	235	235A
236	237	238	239	240	241e	244e	245
248e	252e	253	254	254A	259	259A	262e
263e	264e	265e	266e	267e	268e	269	270
271e	272	273	273A	274	277	281	282e
282Ae	291	298	299	301	302	302A	303
304	306	308	309	310	313e	319	326e
327e	329	343e	343Ae	350e	353	356e	356Ae
362e	363	365e	366	367	369	370	371
374	375e	378	380	382e	383e	391	393
396	397	400	401	406	408e	410	410A
411e	412e	413e	414	415	417e	421e	424
429	432	433	438	439	439A	440	447

451e 454 461 463 465e 468e 469e 472e
476e 476Ae 479e 488e 494e 497 498e 505e
506e 511 522e 524 531 533 535 536e
538 539e 539Ae 541 542 542A 565 571
571A 573 573A 579e 579Ae 583 585 585A
587 594 599e 604e 605e 607e 608e 610
617e 618e 619 620e 621e 624e 626 632e
632Ae

Line Item Veto (3):

602e 630 629e

Returned by Governor Without Approval (8):

134 64 62 62A 126 126A 27e 490

Passed Notwithstanding Objections of Governor (2):

628* 615*

Became Law Without Governor's Signature (1):

15

Failed on Final Reading (1):

269A

Indefinitely Postponed (164):

4 7 8 12 16 28 31 40
41 42 45 46 48 54 57 65
69 74 84 86 89 91 92 93
95 97 99 100 102 105 106 109
127 128 131 136 151 156 160 161
164 166 168 175 176 184 186 196
205 206 211 221 246 247 257 261
263A 266A 279 285 289 292 305 307
311 315 316 317 320 322 323 325
328 330 332 334 335 339 345 346
347 349 351 352 357 358 361 376
384 387 389 392 399 404 409 423
425 428 434 435 436 437 448 449
452 456 462 464 474 483 484 486
487 493 495 508 509 512 515 519

520 523 532 537 546 547 548 549
550 555 556 557 562 563 566 567
570 572 574 575 577 584 588 589
592 593 600 603 609 611 612 613
614 616 622 627 LR5 LR6 LR8 LR11
LR14 LR19 LR21 LR22

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6 76 148 153 157 187 242 337
402 427 499 501 521

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Agriculture & Environment (5):
55 504 534 580 LR87

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554 582

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443 455 489 525 569 598

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258 295

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552

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67 167 231 379 381 431 458 485
528 558 559 578 596 LR37 LR62 LR197

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Urban Affairs (4):
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7 9 13 16 23 24 25 26
27 28 29 30 31 33 35 36
39 40 41 42 43 44 45 46
47 52 53 54 55 56 60 61
63 64 66 68 69 73 74 75
77 78 79 80 81 93 101 103
105 110 111 131 192 195 196 198
199 200 201 202 203 204 205 208
209 210 212 213 214 215 217 218

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*Line item veto partially overridden

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1CA Require Legislature to make appropriations during odd-numbered years; require appropriations for new programs for four succeeding years.
(Warner) 67, 87, 100, 343, 937, 943
2CA Utilize proceeds from forfeited or confiscated property for county drug enforcement purposes.
(Pirsch, Hoagland).....71, 100, 343, 1136
3CA Require Legislature to appropriate funds for new services provided by political subdivisions.
(Hefner).....90, 126, 343, 937
4CA Remove the Lt. Governor as presiding officer of the Legislature.
(Wesely, Beutler) 92, 126, 343, 1136
5CA Place UN Board of Regents under the direction of the Legislature.
(Kilgarin, R. Johnson, Higgins, Kahle, Cullan, Haberman, Pappas, Newell,

V. Johnson, Schmit, Lamb).....97, 126, 343, 715, 956, 962, 1055
6CA Authorize payments in lieu of taxes for water retention structures. (Barrett, Vickers) 124, 153, 343, 937
7 Sympathy to Fannie Haberman family. (46 senators).....125, 158, 194
8CA Create the Legislative Compensation Commission. (30 senators) 162, 196, 343, 839
9 Designate January 15, 1983 as Martin Luther King, Jr. Day. (Newell) 172, 173, 194
10CA Permit establishment of a state lottery. (Beyer) 176, 219, 343, 937, 944, 1421, 1510, 2194
11CA Provide for increased Legislative salaries and bill restrictions. (Beutler).....187, 219, 343, 839
12CA Provide for legislative sessions to begin in December. (20 senators) 188, 219, 291, 838
13 Recognition of those who contribute to the success of the educational programs of the Cooperative Extension Service. (Beyer) 210, 222, 298
14CA Prohibit ownership of agricultural lands by certain corporations. (DeCamp) 211, 241, 343, 1034
15CA Prohibit sales tax on food. (Morehead, Labedz).....234, 280, 343
16 Sympathy to Susan Nelson family. (R. Johnson) 235, 248, 298
17CA Establish limitations on property tax. (DeCamp) 235, 280, 343
18CA Remove restrictions on the giving or loaning of credit of the state. (V. Johnson).....267, 289, 343
19CA Limit the amount of revenue collected by the state. (Hefner, H. Peterson, Von Minden).....268, 289, 343, 1136, 1753, 2032
20CA Establish minimum requirements for candidates seeking any elected state office. (Const. Rev. & Rec.).....270, 289, 343, 1034
21CA Authorize legislators be paid for traveling

expenses during the session.
(Hoagland) 276, 289, 343, 848
22CA Change provisions relating to election of members of the Legislature.
(V. Johnson).....281, 289, 343, 937
23 Urge enactment of a new state-federal project to convert Commodity Credit Corporation grain to liquid fuel.
(Haberman).....292, 300, 307
24 Sympathy to Senator Myron Rumery family.
(49 senators).....298, 757
25 Sympathy to Robert Kutak family.
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26 Commendation to Emory Burnett.
(Clark, Wagner, Carsten, Hefner, Marsh, Nichol, Schmit) 302, 307, 319
27 Commend and honor Senator Richard D. Marvel upon the occasion of his retirement.
(members of 88th Legislature, 1st Session).....308, 309
28 Designate March 7, 1983 through March 20, 1983 as Traffic Safety and Awareness Days.
(Wesely) 431, 440, 453
29 Sympathy to Eugena Abbott Peterson family.
(Cullan) 462, 472, 481
30 Urge all Nebraskans to sign and carry the Uniform Donor card, authorizing use of kidneys for transplantation after death.
(Nichol) 471, 767, 809
31 Assess the feasibility of permitting and encouraging private sector third party financing of energy conservation projects in state buildings.
(Wesely, DeCamp).....572, 682, 699
32 Investigation of Land O Lakes plant closing in Schuyler.
(DeCamp, Chronister) 659, 670, 700
33 Sympathy to H. Vaughn Phelps family.
(Vickers, Wiitala) 668, 702, 710
34 Interim study of LB 179 (1983) and its impact on the Nebraska economy relating to the railway industry.
(15 senators).....670, 822
35 Declare February 28 to March 5 as Teacher Recognition Week.
(Vickers).....685, 702, 710

36 Request Attorney General to bring an appropriate legal action to determine the validity of Nebraska's corporate income and franchise tax.
(Carsten) 690, 702, 710
37 Opposition to the immediate decontrol of natural gas.
(Landis, Kilgarin, Fowler, Wesely, DeCamp) 723, 1031, 1059, 2165
38 Urge Congress to take prompt action in amending the Mortgage Subsidy Bond Act of 1980 to extend sunset date for issuance of tax-exempt single family mortgage revenue bonds.
(Wesely) 733
39 Recognition of Judge Keith Windrum upon retirement.
(Barrett, Pappas, Vickers, Lamb).....802, 823, 842
40 Congratulate Wilber-Clatonia Class C girls basketball champions.
(Morehead, Eret).....820, 848, 872
41 Congratulate Schickley Class D girls basketball champions.
(Eret) 826, 848, 872
42 Designate April 9, 1983 as Nebraska Civilian Conservation Corps Veterans Day.
(Kilgarin, Wesely, Wagner, Nichol, H. Peterson).....826, 848, 872
43 Congratulate Lawrence Class D boys basketball champions.
(Kahle) 946, 965, 979
44 Congratulate Millard South Class A boys basketball champions.
(Abboud, Wiitala).....947, 965, 979
45 Congratulate Howells Class C boys basketball champions.
(Chronister, Hefner).....949, 966, 979
46 Congratulate Elkhorn Mount Michael Class B boys basketball champions.
(Wiitala, Labedz) 962, 966, 979
47 Congratulate UN women's track team on winning National Collegiate Athletic Association.
(Vickers) 1012, 1034, 1054, 1079, 1082
48 Appropriations Committee recommends a maximum General Fund appropriation of $758.75 million for 1983-84 and $781.51 million for

1984-85 (budget).
(Appropriations).....1019, 1082, 1084
49 Support of a mutual freeze on nuclear arms by United States and Soviet Union.
(DeCamp, Wesely) 1027, 1031, 1059, 1079 1130, 1426, 2108
50 Encourage people of USSR to work for military nuclear de-escalation.
(Fenger).....1033, 1048, 1059, 1079, 1130, 1426, 2108
51 Study be made of the impact of present and future railroad safety operations in Nebraska with regard to use of occupied cabooses.
(Schmit) Public Works 1054, 2174, 2377
52 Name the library at Chadron State Library after Reta E. King.
(Cullan) 1096, 1253, 1257, 1282
53 Congratulate Southeast Community College, Fairbury Campus, men's basketball team on third in the National Junior College Athletic Association Tournament.
(Morehead) 1156, 1187, 1253
54 Urge that new initiatives be taken to secure the safe return of Americans in captivity in Southeast Asia as a result of the Vietnam conflict.
(Fenger) 1318, 1373, 1416
55 Proclaim week of April 24 to April 30, 1983 as Professional Secretaries Week and Wednesday, April 27, 1983 be proclaimed as Professional Secretaries Day in Nebraska.
(V. Johnson).....1331, 1390, 1416
56 Congratulate University of Nebraska men's gymnastics team and coaches for winning 1983 NCAA team gymnastics championship.
(48 senators).....1424, 1439, 1530
57 Support of negotiation of a freeze by the US and Soviet Union on the testing, production and deployment of nuclear weapons.
(Landis, Wesely, DeCamp).....1425, 1526, 1568, 1605, 1776
58 Study to evaluate procedures of the Commission of Judicial Qualifications and method of disciplining the Judiciary to determine

whether reform of present method is needed.
(Von Minden, Hefner, Beutler) Judiciary ...1450, 2174, 2374
59 Study statutes governing changes in school district boundaries which may occur as a result of municipal annexations.
(Wiitala, Rupp, Schmit, Fowler, Lundy, Lamb, Goll, Hoagland, Withem, Eret, Cullan, Vickers, Wagner, Jacobson, Fenger, Beyer, H. Peterson) Education.....1491, 2174, 2373
60 Declare week of April 17 to 23, 1983 to be Victims Rights Week in Nebraska.
(Pirsch, Kilgarin, Sieck, Goodrich).....1495, 1549, 1578
61 Commend members of the UN Greek system for taking the initiative to raise money for Morrill Hall as part of their annual "Greek Week" observance.
(Wesely) 1501, 1530, 1578
62 Oppose decontrol of natural gas industry as proposed by the Reagan administration.
(Jacobson).....1502, 1520, 1833, 2165
63 Recognize week of April 17 through April 23 as "Nebraska Building Safety Week."
(Wesely) 1504, 1530, 1578
64 Support for the proposed United States Academy of Peace.
(Hoagland, Kilgarin, Wiitala, V. Johnson, DeCamp, Morehead) 1534, 1549, 1578
65 Study legislative rules, including effective use of time; priority bills process; germaneness; interim studies, etc.
(Higgins, Hoagland, Jacobson, L. Johnson, Beutler) Rules 1536, 2175
66 Proclaim month of April as Nebraska Child Abuse Prevention Month.
(Marsh).....1551, 1591, 1616
67 Study the need for expanded roles in nursing.
(Marsh) Public Health and Welfare 1551, 2175, 2376
68 Sympathy to Frank Landis family.
(47 senators).....1589, 1616, 1639
69 Proclaim week of May 8-14 as Municipal Clerk's Week in Nebraska.
(Fenger, Chronister, Landis, Lundy).....1603, 1701, 1704

70 Urge delay of the implementation of third phase tax cuts as authorized by the Economic Recover Act of 1981.
(Newell, Pappas, Marsh, Eret, Kahle).....1654, 1722, 1833, 1960, 2537
71 Urge members of Congress to actively support and vote favorably on Railroad Retirement Act of 1983.
(Wesely, Cullan).....1661, 1722, 1833
72 Urge development of beam weapon technology to destroy nuclear missiles.
(Von Minden et al).....1678, 1722, 1833, 1890, 2165, 2182, 2534
73 Appreciation to Adelyn Headden for service to students of Nebraska.
(Cullan).....1708, 1735, 1773
74 Designate the I-80 rest area west of Exit 405, Lancaster County as Joseph Burns Rest Area.
(DeCamp).....1723, 1773, 1811
75 Direct Executive Board to designate official George W. Norris Commemorative Committee to plan and carry our special activities in recognition of Senator Norris' role in Nebraska history.
(Vickers, Wagner).....1774, 1812, 1853
76 Study of the township system of government in 28 Nebraska counties.
(R. Johnson, Landis) Government, Military and Veterans Affairs 1778, 2175, 2374
77 Sympathy to Edward M. Knight family.
(Cullan).....1812, 1853, 1897
78 Urge Soviet government to withdraw immediately from borders of Afghanistan.
(Newell et al).....1835, 1907, 1912
79 Recognize and commend village of Coleridge on 100th anniversary.
(Hefner).....1869, 1897, 1915
80 Recognize and commend village of Hartington on 100th anniversary.
(Hefner).....1870, 1897, 1915
81 Recognize and commend village of St. Helena on 125th anniversary.
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82 Study to evaluate various proposals for changes in criminal law and law enforcement procedure. (Judiciary) Judiciary....1874, 2175, 2374
83 Study to coordinate efforts by that committee and various Bar Association and Supreme Court drafting committees with regard to problem areas in the law governing civil procedure. (Judiciary) Judiciary....1875, 2175, 2374
84 Study by Law Enforcement and Justice Advisory Committee to examine the Nebraska Court system. (Law Enforcement and Justice Advisory) Judiciary 1875, 2175, 2374
85 Study of basic purposes, policies, and goals of corrections, sentencing and parole in Nebraska. (Judiciary) Judiciary....1876, 2175, 2375
86 Study to examine feasibility of creating a Youth Service Commission to replace all other separate organizations dealing with youth services. (Judiciary) Judiciary....1876, 2175, 2375
87 Opposition to cargo preference laws that require 50% of all "concessional" export credit sales be carried on U.S. ships. (Haberman)....1882, 1954, 2182
88 Study of existing laws governing the qualifications, duties, and powers of notaries public. (Landis) Government, Military and Veterans Affairs....1913, 2175, 2374
89 Study uranium mining in Nebraska. (Cullan) Agriculture and Environment....1927, 2175, 2371
90 Study of the adequacy of current curriculum and graduation requirements applicable to the state's secondary schools and secondary students. (Vickers) Education 1939, 2175, 2373
91 Study recommendations of the National Commission on Excellence in Education. (Vickers) Education 1940, 2175, 2373
92 Study issues related to school schedules. (Vickers) Education 1940, 2175, 2373

93 Opposition to Senate Bill 66 and compromise proposals approved by National League of Cities.
(Newell) 1946, 1990, 2039
94 Study insanity defense to a criminal charge as it exists in Nebraska today.
(Vickers, Pappas) Judiciary.....1947, 2175, 2375
95 Study the advisability of legislation to assess alternate methods of improving energy efficiency in existing housing stock.
(DeCamp, Landis) Banking, Commerce and Insurance.....1948, 2175, 2372
96 Study the impact of federal budget cuts on elementary, secondary and post-secondary educational services in the state.
(Fowler) Education.....1949, 2176, 2373
97 Study the impact of federal budget cuts on human services across Nebraska.
(Fowler) Public Health and Welfare 1949, 2176, 2376
98 Study the need to provide interpreters for hearing or speaking impaired individuals in legal matters.
(Fowler) Judiciary.....1949, 2176, 2375
99 Study the need to develop a state medical examiner system in Nebraska.
(Chambers, Fowler) Judiciary.....1950, 2176, 2375
100 Study of the feasibility of permission of the Legislature to allow political subdivisions to establish ownership and/or operation of a cable utility system (CATV).
(DeCamp) Public Works 1960, 2176, 2377
101 Declare week of September 4-10, 1983 as Pedestrian Awareness Week in Nebraska.
(Wesely) 1960, 2048, 2098
102 Study of the feasibility of extending public radio service across the state.
(Fowler) Education.....1961, 2176, 2373
103 Designate the renovation of Morrill Hall as the next priority project at UNL.
(Goodrich, Wesely).....1965, 2539, 2543
104 Study of optional Medicaid services paid by the state and an investigation of eligibility requirements.

(Fenger, R. Peterson, Barrett) Appropriations/Public Health and Welfare.....1974, 2176, 2371, 2375
105 Observation of Transportation Week May 15-21, 1983.
(Beyer) 1993, 2040, 2098
106 Study to determine the effectiveness of the program conducted by the NRDs to provide funding for conservation practices to be put in place by individual landowners.
(Beutler) Public Works.....1993, 2176, 2376
107 Study the advisability of legislation in the area of computer education in the public schools.
(Beutler) Education.....1994, 2176, 2373
108 Study the problem of the expansion of cult activity in Nebraska.
(Goll) Judiciary.....1995, 2176, 2375
109 Study of the nature and extent of groundwater pollution in Nebraska.
(Beutler) Agriculture and Environment 2005, 2176, 2371
110 Recognition of 100th birthday of Atlanta.
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111 Recognition of 100th birthday of Holdrege.
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112 Study of the funding of the state college system.
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113 Study of Nebraska's high school nonresident tuition formula and the issues of fairness and equity.
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114 Creation of a task force to undertake a study of Nebraska's jails.
(L. Johnson, R. Johnson, Landis, Goll) Government, Military and Veterans Affairs 2007, 2176, 2374
115 Study be conducted to examine the provisions of LBs 259 and 336; the effects of enforcement provisions; lotteries operated by political subdivisions; areas of gambling or lotteries which are not addressed by either bill.
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116 Study the abuses of automatic dialing-announcing devices.

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117 Study of certain aspects of Nebraska tax law in relation to tax liability on annuity income.
(Sieck) Revenue.....2010, 2177, 2377

118 Study of the impact on county governments of the development of a centralized filing or indexing system of recording all liens held by security interest holders in the state.
(Sieck, Carsten, Vickers) Government, Military and Veterans Affairs 2010, 2177, 2374

119 Study of Nebraska's Public Employee Retirement Programs.
(V. Johnson) Nebraska Retirement Systems.....2011, 2177, 2377

120 Review of the present system of delivering mental health services for the state.
(R. Peterson, Withem, Wesely, Fenger, Rupp) Public Health and Welfare.....2014, 2177, 2376

121 Study the adequacy of state Aid to Dependent Children payments, the fairness of distribution procedure.
(Fowler) Public Health and Welfare 2016, 2177, 2376

122 Study duties and powers of dental hygienists and assistants and their auxiliary capacities in the practice of dentistry.
(Fowler) Public Health and Welfare 2017, 2177, 2376

123 Study the need to raise the state minimum wage.
(Fowler) Business and Labor.....2017, 2177, 2372

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(V. Johnson) Education.....2023, 2177, 2373

125 Study relating to issues of commerce in the State: LBs 343, 340, 502, 554; effects of Initiative 300.
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126 Study, review and take further testimony on: Termination or continuation of Boards of Public Accountancy, Nebraska Real Estate Commission, Abstractors Board of Examiners.
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127 Study of state's Insurance Code and regulations.
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128 Study of specific facilities not required
to be inspected by office of state boiler inspector.
(Fowler) Business and Labor 2026, 2177, 2372
129 Study of procedures governing employee
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(Fowler) Business and Labor 2026, 2177, 2372
130 Study of the need for development
of a new personnel plan for all
Legislative Council employees.
(V. Johnson) Executive Board.....2029, 2177, 2374
131 Congratulate all Nebraska students who have
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(R. Johnson) 2030, 2099, 2145
132 Study of the means available in Nebraska
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133 Study to determine feasibility of
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tax to finance school districts.
(Remmers, Sieck) Revenue-Education .2031, 2178, 2373, 2377
134 Study to consider what constitutes
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(Pirsch) Judiciary 2036, 2178, 2375
135 Study be conducted to consider methods
of solving time-consuming
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warrants for drivers who fail to
appear in court for traffic violations.
(Pirsch) Judiciary 2037, 2178, 2375
136 Study for private nonprofit
organizations designed to plan,
administer, and deliver programs for
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137 Study to examine the current
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(Fenger) Public Health and Welfare 2043, 2178, 2376

138 Study to be conducted regarding
expanding roles of nursing in
obstetrics and gynecology.
(Fenger) Public Health and Welfare 2043, 2178, 2376

139 Study to be conducted enacting legislation
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140 Study malpractice and professional and
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141 Study the procedure utilized by the
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(Chambers, Pappas) Judiciary 2051, 2178, 2375

142 Study the correctional institutions
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143 Study to address issues of concern
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(Schmit) Public Works 2052, 2178, 2377

144 Study to address issues relating to
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(Schmit) Public Works 2053, 2178, 2376

145 Study to examine issues involving
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146 Examine possible amendments to the

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147 Examine possible legislation in response to issues raised in LB 567, which proposed requiring larger employers, to give notice and provide certain employee benefits to ease economic dislocation.
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148 Study the need for legislation in response to concerns raised by LB 280, which proposes to provide employees with rights to information from employers regarding toxic substances used or produced in the workplace.
(Business and Labor)
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149 Study the proper role of psychiatric testimony on the question of insanity in criminal cases.
(Pirsch) Judiciary 2058, 2179, 2375
150 Study the current method of handling child custody and child support cases within our state court system.
(Hoagland) Judiciary 2059, 2179, 2374
151 Investigate restrictive rental practices in Nebraska.
(V. Johnson) Urban Affairs 2060, 2179, 2378
152 Study issues of importance to agriculture in Nebraska: establishment of fees by the Public Service Commission; fees charged under the weight and measures law by regulation, rather than by statute as proposed by LB 580; establishment of idle service or standby charges charged to irrigators.
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Compiled by

Patrick J. O'Donnell
Clerk of the Legislature

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77-2350	A	582
77-2352	A	582
77-2355	A	582
77-2362	A	582
77-2602	A	192
77-2602	A	404
77-2602.03	A	404
77-2702	A	12
77-2702	A	17
77-2702	A	47
77-2702	A	196
77-2702	A	322
77-2702	A	395
77-2702	A	586
77-2703	A	12
77-2703	A	25
77-2703	A	47
77-2703	A	89
77-2703	A	102
77-2703	A	196
77-2703	A	546
77-2703	A	571
77-2703	A	586
77-2703	A	600
77-2704	A	12
77-2704	A	363
77-2704	A	395
77-2704	A	452
77-2705	A	586
77-2708	A	101
77-2708	A	546
77-2708	A	571
77-2715	A	12
77-2715	A	14
77-2715	A	147
77-2715	A	317
77-2715	A	336
77-2715	A	339
77-2715	A	363
77-2715	A	364
77-2715	A	372
77-2715	A	520
77-2715.01	A	12
77-2715.01	A	25
77-2715.01	A	27
77-2715.01	A	59
77-2715.01	A	89
77-2715.01	A	102
77-2715.01	A	169
77-2715.01	A	363
77-2715.01	A	520
77-2715.02	A	89
77-2715.02	A	102
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77-2715.03	A	89
77-2715.03	A	102
77-2715.03	R	169
77-2734	A	372
77-2734	A	619
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77-2769	A	520
77-27,119	A	287

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77-27,126	R	101
77-27,127	A	101
77-27,128	A	101
77-27,132	A	25
77-27,132	A	466
77-27,132	A	586
77-27,136	A	25
77-27,136 to 77-27,137.02	R	586
77-27,137	A	25
77-27,139	R	586
77-27,140	R	586
77-27,142	A	105
77-27,142 to 77-27,142.05	R	586
77-27,143 to 77-27,137.02	R	586
77-27,149	A	576
77-27,149 to 77-27,155	R	25
77-3001	R	600
77-3002 to 77-3004	R	600
77-3005 to 77-3011	R	600
77-3412	A	156
77-3414	A	156
77-3422	A	156
77-3424	A	445
77-3424	A	484
77-3425	A	336
77-3432.06	A	201
77-3503	A	195
77-3504	A	147
77-3506	R	396
77-3506	R	520
77-3506	A	586
77-3508	A	195
77-3509	A	195
77-3510	A	153
77-3510	A	396
77-3510	A	494
77-3510	A	520
77-3511	A	153
77-3511	A	195
77-3511	A	494
77-3512	A	396
77-3512	A	520
77-3512 to 77-3515	A	195
77-3513	A	396
77-3513	A	520
77-3514	A	153
77-3514	A	396
77-3514	A	494
77-3514	A	520
77-3516	A	396
77-3516	A	520
77-3523	A	25
77-3523	A	153
77-3523	A	494
77-3524	A	396
77-3524	A	520
77-3525	A	25
77-3525	A	153
77-3525	A	494
77-3527	A	195
77-3529	A	195
79-101	A	288
79-102.01	R	387
79-201	A	46
79-201	A	160
79-201	A	186
79-201	A	288
79-204	A	186
79-205	A	186
79-206	A	186
79-321.02 to 79-321.04	R	618
79-402	A	467
79-426.05	A	495
79-426.15	A	465
79-426.23	A	465
79-442	A	256
79-444	A	419
79-445	A	25
79-445	A	286
79-445	A	388
79-445	A	618
79-487	A	445
79-490	A	91
79-490	A	332
79-492	A	91
79-4,102	R	387
79-4,118	A	203
79-4,151	A	71
79-4,160	A	25
79-4,161	R	44
79-4,162	R	44
79-4,164 to 79-4,169	R	44
79-4,165	A	618
79-4,166	A	25
79-4,175	A	209
79-4,180	A	209
79-4,198	A	209
79-701	A	289
79-801	A	331
79-801	A	387
79-801.02	A	387
79-802	A	331
79-810	A	445
79-903	A	445
79-1007	A	445
79-1056	A	218
79-1056	A	488
79-1057	A	488
79-1103.05	A	25
79-1103.05	A	616
79-1229	A	46
79-1233	A	46
79-1233	A	556
79-1239	A	584
79-1247.06	A	556
79-1247.07	A	556
79-1254.09	A	9
79-1287	A	7
79-1290	A	296

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79-1292	A	296
79-12,107	R	556
to 79-12,121		
79-12,111	A	103
79-12,111	A	328
79-12,115	A	328
79-12,117	A	328
79-12,121	A	328
79-1302	A	6
79-1303	A	39
79-1304	A	6
79-1332	A	341
79-1333	A	25
79-1333	A	607
79-1334	A	618
79-1336	A	618
79-1338	A	287
79-1409	R	44
79-1412	R	44
79-1414	R	44
79-1520	A	321
79-1522.01	A	321
79-1522.01	A	457
79-1531	A	218
79-1531	A	321
79-1533	A	218
79-1533	A	321
79-1540	A	321
79-1701	R	46
79-1703	A	45
79-1705	R	46
79-1706	A	46
79-1910	R	527
79-2009	R	527
79-2210.04	A	612
79-2637	A	284
79-2637	A	337
79-2644	A	612
79-2651	A	25
79-2651	A	337
79-2901	A	159
79-2918	A	159
79-2938	A	159
79-2939	A	159
79-2943	A	159
80-301	A	618
80-304	A	618
80-401	A	38
80-401.08	A	369
81-108	A	82
81-153	A	540
81-173	A	603
81-174	A	603
81-175	A	603
81-177	A	603
81-178	A	603
81-179	A	603
81-181	A	603
81-197	A	142
81-197	A	413
81-197	A	470
81-197	A	472
81-197	A	476
81-197	A	481
81-198	A	473
81-198	A	474
81-198	A	475
81-198	A	477
81-198	A	478
81-198	A	479
81-198	A	480
81-198	A	516
81-1,105	A	413
81-2,174	A	617
81-2,177.01	A	617
81-502	A	130
81-502	A	498
81-528	A	498
81-550	A	383
81-638	A	192
81-641	A	517
81-642	R	517
to 81-650		
81-814.01	A	163
81-814.01	A	610
81-815.21	A	610
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81-840	A	516
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81-840	A	474
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81-847	A	516
to 81-855		
81-885.01	A	182
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81-885.04	A	66
81-885.07	A	480
81-885.09	A	480
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81-885.09	A	182
to 81-885.15		
81-885.17	A	182
to 81-885.20		
81-885.21	A	453
81-885.21	A	480
81-885.22	A	182
81-885.24	A	136
81-885.24	A	182
81-885.25	A	182
81-885.28	A	182
81-885.28	A	182
81-885.29	A	182
81-885.30	A	480
81-885.33	A	182
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81-885.38	A	182
81-885.43	A	182
81-885.44	A	182
81-885.46	A	182
81-885.47	A	182
81-8,110	A	474
81-8,110.01	A	478
81-8,110.08	A	478
81-8,115	A	478
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81-8,123	A	478
81-8,158	A	471
81-8,159	A	471

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81-8,162	A	471
81-8,163	R	471
81-8,164	R	471
81-8,165	A	471
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81-8,186	A	474
81-8,186	A	477
81-8,187	A	477
81-8,191	A	474
81-8,194	A	477
81-8,195	A	477
81-8,197	A	477
81-8,199	A	477
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81-8,212	A	603
81-8,220	A	603
81-8,225	A	603
81-8,226	A	603
81-8,233	A	603
81-8,235	A	590
81-8,236	A	603
81-8,239	A	603
81-8,239.03	A	603
81-8,245	A	65
81-8,255	A	606
81-8,265	A	83
81-8,271	A	83
81-8,278	A	480
81-8,280	A	480
81-8,282	A	480
81-8,283	A	480
81-8,285	A	480
81-1108.17	A	607
81-1162	R	606
to 81-1169		
81-1228	A	372
81-1264	R	114
81-1318	A	65
81-1335	A	529
81-1335	A	581
81-1339	A	581
81-1346	R	606
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81-1350	R	606
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81-1401	A	501
81-1502	A	356
81-1502	A	426
81-1504	A	356
81-1505	A	356
81-1505	A	576
81-1506	A	356
81-1506	A	576
81-1508	A	356
81-1508	A	576
81-1532	A	426
81-1533	A	25
81-1606	A	124
81-1609	A	124
81-1611	A	124
81-1614	A	124
81-1615	A	124
81-1617	A	124
81-1618	A	124
81-1619	R	124
81-1620	A	124
81-1621	A	124
81-1622	R	124
81-1623	R	124
81-1624	R	124
81-1625	R	124
81-1632	A	124
81-2004	A	403
81-2017	A	218
81-2026	A	217
82-8,239.01	A	603
83-145	R	593
83-145	A	594
83-170	A	455
83-170	A	525
83-171	A	525
83-178	A	392
83-183	A	500
83-185	A	455
83-192	A	455
83-1,100	R	501
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83-1,105	A	455
83-1,107	A	86
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83-1,107.01	A	80
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83-1,107.01	A	202
83-1,107.01	A	501
83-1,107.01	A	593
83-1,109	A	501
83-1,121	A	455
83-1,122	A	455
83-1,123	A	455
83-1,125	A	501
83-1,143.01	A	385
83-1,143.03	A	25
83-337	A	450
83-424	A	450
83-482	R	44
83-4,122	A	123
83-4,122	A	455
83-4,122	A	592
83-4,123	A	123
83-918	A	455
83-920	A	455
83-925	R	525
83-926	A	525
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83-927	A	501
83-933	R	501
84-133	A	459
84-147	A	25
84-201	A	315
84-301	A	325
84-301	A	473
84-304	A	473
84-304	A	612

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84-609	A	607
84-611	A	607
84-712.04	A	3
84-712.05	A	108
84-712.05	A	311
84-712.05	A	565
84-901	A	292
84-901	A	483
84-1301	A	223
84-1307	A	16
84-1307	A	219
84-1308	A	218
84-1310	A	313
84-1311	A	313
84-1317	A	219
84-1319	A	210
84-1321	A	219
84-1332	A	222
84-1408	A	43
84-1409	A	43
84-1410	A	43
84-1411	A	43
84-1412	A	43
84-1414	A	43
84-1501	A	526
84-1503	A	70
84-1503	A	526
85-122	A	410
85-123	A	238
85-130	A	410
85-180.05	A	533
85-180.11	R	533
85-317	A	238
85-505	A	618
85-901	A	290
85-902	A	437
85-907	A	290
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85-913	A	290
85-916	R	290
85-962	A	284
85-963	R	284
85-974	A	290
85-990	A	99
85-994	A	99
85-994	A	106
85-1003	A	618
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86-701	A	625
87-302	A	295
87-303.08	A	295
87-307	A	295
87-308	R	295
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88-401	A	73
88-502	A	73
88-503	A	73
88-504	A	73
88-518	A	73
89-187	A	580
89-187	A	617
90-220	A	75

CONSTITUTIONAL AMENDMENTS

ARTICLE	SECTION	REPEAL OR AMEND	LR
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III	22	A	1
III	22	A	3
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III	7	A	11
III	7	A	21
III	7,10	A	22
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VII	10	A	5
VII	5	A	2
VIII	1C NEW	A	19
VIII	13 NEW	A	6
VIII	13 NEW	A	15
VIII	13 NEW	A	17
XII	1	A	14
XII	8	R	14
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XV	17	A	18
XV	19 NEW	A	8
XV	19 NEW	A	20

1969 Legislative Bills Amended or Repealed
(FIRST Session)

LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL	LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL
LB1389	2	A	620				

1977 Legislative Bills Amended or Repealed
(FIRST Session)

LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL	LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL
LB 518	14 TO 16	R	597				

1981 Legislative Bills Amended or Repealed
(FIRST Session)

LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL	LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL
LB 245A	7	A	533				

1982 Legislative Bills Amended or Repealed
(SECOND Session)

LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL	LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL
LB 522	45	A	604	LB 761	122,123,128	A	601
LB 756	1	A	602	LB 761	15,22,30,36	A	602

1982 Legislative Bills Amended or Repealed
Second Special Session)

LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL	LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL
LB 1	20,25,27,29,	A	602	LB 1	49,57,58,59	A	602
LB 1	3,7,11,13,15,	A	602	LB 1	62,64,65	A	601
LB 1	33,35,41,47,	A	602	LB 1	67,73,74	A	601

1983 Legislative Bills Amended or Repealed
(FIRST Session)

LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL	LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL
LB 58	1	A	252				

UNIFORM COMMERCIAL CODE

SECTION	REPEAL OR AMEND	BILL	SECTION	REPEAL OR AMEND	BILL
2-104	A	188	9-401	A	343
9-307	A	117	9-403	A	343
9-307	A	343	9-408	A	178
9-401	A	343	9-411	A	343
			9-412	A	343